

**Legislative
Governmental Mall
Commission**

Annual Report

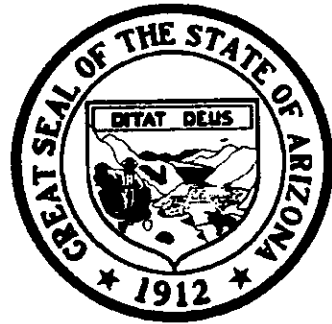
November 1, 2000

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Legislative Governmental Mall Commission



Annual Report November 1, 2000

Committee Members:

Thomas Knapp, Chair
Representative Roberta Voss
Senator Tom Smith
Leroy Brady
John Clements
J. Elliott Hibbs

Norman Hintz
Donald Keuth Jr.
William McMullen
Joy Rich
David Richert
Polly Roenbaum

Government Mall Commission 2000 Annual Report



Background

The Legislative Government Mall Commission was established by Laws 1985, Chapter 23, to provide a mechanism for the orderly and beneficial development of the Governmental Mall area, while promoting the interest and welfare of Arizona. Laws 1995, Chapter 70, modified the boundaries of the Governmental Mall area, reviewed the membership of the Commission and outlined the procedures for establishing monuments and memorials within the boundaries of Wesley Bolin Plaza and the Governmental Mall.

The current boundaries of the Governmental Mall include a western boundary of 19th Avenue, a northern boundary of all lots abutting Van Buren Street, an eastern boundary of Seventh Avenue and a southern boundary of the Harrison Street Alignment. (See Map 1)

The State of Arizona Capitol complex dominates the Governmental Mall. Land uses within the Mall are varied and include: offices, parking, commercial, industrial, warehouse, museums, open space, residential, and social services. (See Map 2)

As directed by State law, the Commission reviewed development plans and initiated an intensive planning effort for the area. The result of this effort was the adoption of the Governmental Mall Urban Design Plan in June of 1989. In accordance with statutory changes, the Commission began the revision of the Governmental Mall Urban Design Plan in 1996 and adopted the updated and re-named Capitol District Development Guidelines in 1998. The purpose of the Development Guidelines is to:

-  Present the public with the expectations of the Commission in reviewing future development proposals.
-  To establish criteria for the review and approval of development proposals.

Membership

The 2000 Governmental Mall Commission was comprised of the following members:

Thomas Knapp, Chair
Representative Roberta Voss
Senator Tom Smith
Leroy Brady
John Clements
J. Elliott Hibbs

Norman Hintz
Donald Keuth Jr.
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Polly Rosenbaum

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Meetings


In 2000, the Commission held meetings (minutes attached) as follows:


January 18
March 3
August 1
September 19
October 17
November 21
December 5


Summary of Issues


-  Addition to the Mine and Minerals Museum (January, March 2000) – A discussion was held regarding additions to the existing building of the Arizona Mines and Minerals Museum, including multimedia, state-of-the art exhibits, discovery stations and some outside displays. It was unclear if the building would be renovated or if an additional structure would be constructed. An estimated \$2.8 million would be used for planning, design and construction. The commission stated it would follow this issue closely in the future.
-  Governmental Mall Planned Improvements (January 2000) – The Commission heard testimony regarding the planned improvements in the Capitol Mall area. A map was distributed displaying many of the plans that are currently under consideration. Two projects were specially noted: the 17th Avenue Project and the Capitol Centennial Site Project.
-  Discussion of Adult-Oriented Business in the Capitol Mall Area (January 2000) – The Commission discussed the possible opening of an adult-oriented business within the Capitol Mall area. Representatives from the city of Phoenix stated that they had not yet received a request for a permit to remodel the building. The Commission took no action at this meeting.
-  Vietnam Veteran's Memorial (March 2000) – The Vietnam Memorial was constructed some years ago, and in December 1998, the Commission approved certain modifications. The modifications included: the addition of a plaque identifying the memorial; raising the memorial two and one-half feet off the ground to prevent vandalism; placing a map of North and South Vietnam at the site; listing the losses of every city and town in Arizona and placing plaques displaying relevant dates and events around the memorial. The Arizona Department of Administration (ADOA) will be responsible for any upgrades made to the memorial.
-  Grace Court School (March, August, September 2000) – A demolition permit was issued by the City of Phoenix to demolish the Grace Court School, an 89 year old


building located in the Capitol Mall. The Commission questioned whether they had the power to review demolition permits. The opinion from Legislative Council attorneys stated that the Commission did have the authority to review the permit. After hearing many hours of testimony during the March, August and September meetings, the Commission voted to deny the demolition permit.




 DOA Cellular Phone Antenna (March 2000) - In late November 1999, the Arizona Department of Administration (ADOA) was approached by several cellular phone providers interested in installing antennas and related equipment onto two of the state owned office buildings on the Capitol Mall. Under both proposals, the State requires that the carriers will be responsible for all construction and maintenance as well as utility costs associated with their antennas. The commission was briefed on this issue and subsequently voted to grant the phone antennas.

 Updates on the Maricopa County Downtown Complexes (March, August 2000) - Representatives from Maricopa County and architectural firms presented the Commission with their preliminary designs for the Medical Examiner's Complex and the Criminal Justice Facility which will be located within the capitol mall area. The Commission voted to support the design concept for the Medical Examiner's Complex.

 Design Build - Leaseback (August, September 2000) - The Commission heard testimony regarding "Privatized Lease to Own" (PLTO). Laws 2000, Chapter 164, gave ADOA the authority to solicit proposals for a private developer to design, finance, construct, operate and lease buildings to the State of Arizona. The first two PLTO projects are the new ADOA building and the new Arizona Department of Environmental Quality (ADEQ) building, which will be located along Washington St. The Commission approved conceptual designs for both buildings at the September meeting.

 Capitol Mews (August 2000) - The Commission was presented with information regarding a proposed 200-unit apartment property to be located on Van Buren St. next to University Park. The project will be known as "Capitol Mews" and is designed to provide affordable yet safe and attractive housing in the downtown area. Project representatives explained that the goal is to provide one-, two-, and three-bedroom apartments at an average cost of \$200-250 below market standards. It was stated that the \$16 million project will be financed through multiple layers including city subsidies and tax-exempt state bonds. The Commission voted to endorse the Capitol Mews project.

 Fourth Marine Division Memorial Upgrade (August 2000) - A proposal was brought before the Commission regarding an upgrade to the Fourth Marine Division Memorial. The upgrade would include placing bricks with member's names from the Arizona Chapter around the memorial. The Commission noted that ADOA is responsible for the upkeep of this memorial and decided that no action would be necessary.

-  Proposed Amendment to the Capitol District Development Guidelines (October, December 2000) - The Committee approved a proposed amendment to the *Capitol District Development Guidelines*. Maricopa County, the City of Phoenix and DOA also approved the change.
-  Industrial Commission Generator Enclosure (October 2000) - The Commission heard testimony on a proposed enclosure for the Industrial Commission's generator. The Commission approved the plans for the Industrial Commission's generator enclosure.
-  Father Braun Memorial (December 2000) - This memorial was approved many years ago, however, the resources for accomplishing the memorial had not been available. Recently funding was made ready and the Commission was asked to re-affirm the memorial.

5-10-00

ARIZONA STATE LEGISLATURE
LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of the Meeting
Tuesday, January 18, 2000, 4:00 p.m.
House Hearing Room 3

Members Present:

Tom Knapp, Chair
Representative Roberta Voss
Joy Rich

Norman Hinze
Donald P. Keuth, Jr.
David Richert

Members Absent:

Senator Tom Smith
John Clements
William Creager

Elliott Hibbs
LeRoy Brady
Polly Rosenbaum

Staff:

Kathi Knox, House Research Analyst
Mike Huckins, House Assistant Research Analyst
Stacy Marshall, House Intern
Jessimy Blasberg, House Intern

Mr. Knapp called the meeting to order at 4:10 p.m. and attendance was noted.

Introduction of New Members

Deferring to Mr. Hinze, Chairman Knapp asked that Joy Rich be introduced to the Commission. Mr. Hinze stated that Ms. Rich currently serves as Director of Maricopa County Planning and Development -- the department that processes building permits and performs all other regulator tasks outside the incorporated area of Maricopa County. Mr. Hinze also introduced himself, stating he serves as the Director of Facilities Management of Maricopa County and is an architect.

Discussion of Adult-Oriented Business in the Governmental Mall Area

Chairman Knapp gave a brief history of the matter, stating that he received a letter from the Capitol Mall Association on January 3, 2000 asking if the Commission was aware of a new adult-oriented business, soon to be opened, located at 18 South Seventh Avenue. He explained that the Association's letter was addressing a couple of different issues and appeared to be of the understanding that the Legislative Governmental Mall Commission reviews proposed new businesses and approves of their locations in the governmental mall area. Referring to the Association's letter that was mailed to each Commission member by the Commission chairman, Mr. Knapp explained that the handwritten note saying, "not true" appearing in the margin of the letter was a note made

by himself. The handwritten note was made after discussing the matter with Kathi Knox and Mike Braun of Legislative Council. Chairman Knapp asked Mr. Braun to explain to the Commission members his interpretation of the statute as it relates to the Governmental Mall Association's questions submitted to the Legislative Governmental Mall Commission.

Mike Braun, Executive Director, Arizona Legislative Council, stated the Council reviewed the statute that grants the Legislative Governmental Mall Commission its powers and also reviewed the set of rules adopted by the Commission prior to December 1997, located near the back of the Capitol District Development Guidelines published in June 1997. Mr. Braun explained that even though the office of Legislative Council drafted the specific legislation giving the powers to the Legislative Governmental Mall Commission, he is of the opinion that the statute is not very clear. He added that other members of Legislative Council who work in this area today are of the same opinion that the specific statute is not very clear. Referring to Arizona Revised Statutes (A.R.S.), Section 41-1362, subsection B, paragraph 4, Mr. Braun stated the language explains what the Commission "shall do". He read that the Commission "shall review and approve or disapprove, in writing, requests for permission to develop structures or sites or award construction contracts for new buildings or improvements within the Governmental Mall." He commented that the language by itself is open to some interpretation. He noted another section in the statute that says, "the Commission may prescribe rules as necessary to carry out the provisions of the Article." Referring to the Capitol District Development Guidelines booklet regarding the development review process, Mr. Braun stated that it characterizes the process to mean that the City of Phoenix presents to the Legislative Governmental Mall Commission requests for developments, prior to the issuance of a building permit by the City of Phoenix. Commenting that if this process is the process that has been developed over the years, Mr. Braun stated he is of the opinion that the development review process would be consistent with the very limited guidance that the Commission gets in terms of the statute, basically saying that the Commission reviews and disapproves or approves requests for permission to develop structures, or sites, or award construction contracts for new buildings or improvements. Not having conducted an independent investigation, Mr. Braun stated he did not know if the process set forth was followed in this particular situation brought to the Commission's attention by the Capitol Mall Association.

In conclusion, Mr. Braun stated he is of the belief the Commission has some sort of involvement in the process even though the statute is not clear on what would happen if the Commission disapproved of a request, adding that the language contained in the Guidelines booklet indicates the City of Phoenix would at least take the Commission's decision into consideration in their determination of whether to issue a building permit.

Chairman Knapp stated the reason for the handwritten note in the margin of the Capitol Mall Association's letter was based on Mr. Braun's explanation of the statute and language contained in the Guideline's booklet. Summarizing Mr. Braun's explanation, Chairman Knapp stated the words "development" and "construction" appears to mean that development/construction requires a permit of some kind – a building permit for

some constructed improvement. He stated he was of the opinion that the only time the Legislative Governmental Mall Commission would have anything to say on the matter would be if it required construction. By way of example, Chairman Knapp stated that if a commercial business, operating as a shoe store, subsequently becomes an adult bookstore, and no improvements are made, per se, the Legislative Governmental Mall Commission would have nothing to say about the new business – only when construction is involved would the Commission have a say in the matter.

Having asked David Richert to look into the matter, from the City of Phoenix's perspective, Chairman Knapp asked Mr. Rickert to report on his findings.

David Rickert, Planning Director, City of Phoenix, stated that in his communication with Jan Hatmaker, a permit was not pulled for the adult-oriented business. He added that if the business was planning to conduct any interior remodeling, to the extent that it required a permit, the company had not yet submitted an application for permit to the City. Regarding distance requirements and zoning requirements, Mr. Rickert stated it appears there is no problem with this sexually-oriented type business use. He added there is a separation between the sexually-oriented business and other nearby facilities. He added there are specifics, in terms of how close a sexually-oriented business can be to residential structures, schools and other types of uses that could have some detrimental effect.

Regarding a purported long-standing policy that the Legislative Governmental Mall Commission did not look at anything over a construction cost of \$25,000, Mr. Rickert stated he was unaware of the policy. He added, however, that the \$25,000 policy has been referenced to him on various occasions regarding the downtown area and throughout the community. He added that the 320 square foot building area to be occupied by the sexually-oriented business, would not likely generate \$25,000 in construction costs. Mr. Rickert stated the City of Phoenix knows the location of approximately 80-90 similar sexually-oriented business sites and knows what to do to remove them in terms of zoning, condemnation, etc.. He stated that the City deals with these types of businesses on a case-by-case basis and is careful not to violate the business owners' First Amendment rights.

Mr. Knapp asked if his understanding was correct that the sexually-oriented business being discussed in this meeting did not pull a building permit. Mr. Richert replied that the City did not have any record of a building permit for this particular business. Mr. Knapp commented that he drove by the facility on the way to the meeting and observed some construction type activity that appeared to be interior remodeling. Not knowing the history of the building, Chairman Knapp stated he did not know if the construction activity consisted of more than just interior remodeling.

Because a quorum of Commission members was not present, Chairman Knapp stated that the matter could be further discussed at the next meeting, and if it was the desire of the Commission, a policy could be established to deal with sexually-oriented businesses.

Regarding the \$25,000 construction cost policy, Mr. Braun stated that the Capitol District Development Guidelines contains a policy statement that says, " By policy, small projects with a value of less than \$25,000 are not formally reviewed by the Commission."

Donald Keuth questioned whether the sexually-oriented business would be required to have a permit under the three-year remodel policy.

Mr. Richert replied that a permit would be required if the remodeling affects such things as the electrical, plumbing, or structural bearing wall. Mr. Rickert stated he is of the understanding that those type of services are not affected by the remodeling because the business is creating booths, visible from the outside of the facility.

Mr. Knapp stated that the Commission's focus, historically, has always been toward the outward appearance – what is being constructed, what setbacks are being adhered to, and so forth.

Referencing the Capitol District Development Guidelines booklet, Chairman Knapp advised Commission members that it is distributed by the City of Phoenix. He added that the booklet is given to persons interested in doing any type of development within the boundaries of the Governmental Mall area.

Tammi Bosse, President and Executive Director, Capitol Mall Association, stated it was important to bring the sexually-oriented business matter to the attention of the Legislative Governmental Mall Commission. She added that the Capitol Mall Association likewise determined there was little that could be done to prevent the business from becoming established. Commenting that the Association is saddened to see this type of business become established in the Governmental Mall area, Ms. Bosse thanked the Commission members for looking into the matter with respect to zoning, use permits, building permits, and so forth. Because there is nothing that can be done to prevent the business from becoming established, Ms. Bosse concluded by stating the business will be watched from the law enforcement perspective.

Mr. Knapp thanked Ms. Bosse for bringing the matter to the Commission's attention.

Commenting that because this sexually-oriented business is the first such business in the area and because there are distance requirements separating like businesses, Mr. Rickert stated that the sexually-oriented business will be regulated from that standpoint. He added that distance requirements have basically regulated the one existing adult bookstore in the Bank One Ballpark area, preventing other like businesses from becoming established in that area.

Shannon Dubasik, Community Development Coordinator, Capitol Mall Association, inquired if the adult bookstore business would have to pull a permit if they use a sign. And if so, she asked if the Commission would become involved.

Mr. Knapp replied no. He stated that in accordance with the \$25,000 threshold policy, he

would not expect the City of Phoenix to differ with the Commission. He added that he does not recall the Legislative Governmental Mall Commission adding to or differing with the City of Phoenix in any respect to the City's sign ordinance. Chairman Knapp expressed his belief that the City's sign ordinance will provide the level of protection.

Referring to previous comments, Representative Voss asked if her understanding was correct that the Commission would look at the structure of the building to make sure that the construction of the building itself was consistent with the Commission's goal, but that the Commission would not be able to participate in the signage. Discussion followed between Representative Voss and Mr. Knapp. Chairman Knapp stated he was of the opinion that the City's sign ordinance would adequately protect the overall appearance of the structure.

Mr. Rickert confirmed Chairman Knapp's statement, adding that the relationship of the building and sign is definitely attentive of the City's sign ordinance. Mr. Rickert also mentioned that roof signs were not allowed and that any variance to the procedures or the regulations currently on the books would have to be reviewed by the Planning Department. Mr. Rickert stated he would review the City's sign ordinance and report his findings at the next meeting of the Commission.

Governmental Mall Planned Improvements

Chairman Knapp distributed an example of an aerial map (Attachment A) of the Governmental Mall area. He explained that the map is merely a suggested style that he believes will aide the members with the focus on many of the planned projects. He pointed out, by way of example, only two of the many projects of the Commission (the Capitol Centennial Site Project and the Arizona Department of Transportation (ADOT) 17th Avenue Project.). Chairman Knapp inquired of the members if the map would be helpful to them.

Representative Voss replied she believed the map would be very helpful.

Mr. Hinze expressed his desire, at some future meeting, to bring to the Commission for informational purposes, the plans that the County has developed for improvements in the Maricopa County Campus, most of which are to the east of Seventh Avenue with one project to the west of Seventh Avenue. He added that the large map will enlighten the Commission members of the happenings to the east of Seventh Avenue.

Chairman Knapp expressed his pleasure to be apprised of the County's plans.

For the benefit of new members, Chairman Knapp explained the mission of the Legislative Governmental Mall Commission and stated that the Commission tries to meet monthly and whenever needed. Procedurally, Mr. Knapp stated that the Legislative Research Analyst first communicates with the Chairman each month to determine items to be included on the agenda for the next meeting. The Analyst then communicates with Senator Tom Smith, Representative Roberta Voss and the Arizona Department of

Administration (ADOA) to determine any other items to include on the agenda.

Regarding an agenda item for the next meeting, Chairman Knapp asked Mr. Hinze for the number of days of advance notice he would need to prepare for his presentation to the Commission of the Maricopa County Campus plans. Mr. Hinze replied that it would not be necessary to give him advance notice because his presentation was already prepared. If it was of interest to the Commission members, Mr. Hinze added that Bob Williams could be present to discuss the construction status of the new Maricopa County jail and its related parking structures. Discussion followed between Mr. Hinze and Chairman Knapp. Because the County's building projects are in the design stages at the present time, Mr. Hinze encouraged that the Commission meet as soon as possible in the event the Commission members desire to offer their input relative to design.

Chairman Knapp suggested the Commission meet on February 15 at 3:30 p.m. Chairman Knapp asked Mr. Hinze to invite Mr. Williams to attend the meeting.

Addition to Arizona Mines and Minerals Museum

Chairman Knapp stated he forwarded copies of the information received from Senator Smith to the ADOA regarding an application for expansion of the Mines and Minerals Museum, complete with multimedia, state-of-the art exhibits and discovery stations, as well as an outside display module that would possibly display a 100-ton haul truck, an off-road tire, an ore bucket, and perhaps a new piece of mining equipment that would give a rotating display. Chairman Knapp commented that the information was submitted to ADOA because of ADOA's proposed plan to have a new ADOA building constructed on the vacant property where the Museum is presently located. Chairman Knapp asked the ADOA representatives if they had reviewed and discussed the materials that were provided to them by the Commission.

Emerson Stiles, ADOA, replied that he had reviewed the materials and stated it was not clear to him whether the project entailed a newly constructed addition to the existing structure or whether it was internal construction within the existing facility. He also noted it was not clear to him whether all of the new exhibits would be outside or inside of the building. Discussion followed between Mr. Stiles and Chairman Knapp. Mr. Knapp commented it was his presumption that the plan was to do more than simply refurbish the inside, based on the projected dollar amount of \$2.8 million to be used for planning, design and construction. Mr. Stiles also commented that the site of ADOA's proposed building would have to be considered in the Museum's request for expansion of their facility.

Mr. Knapp asked Ms. Knox if she was aware of any legislation that has been introduced that would provide for expansion of the Mines and Minerals Museum. Mr. Knapp stated he is of the understanding the expansion is endorsed by Senator Rusty Bowers. Ms. Knox replied she was not aware of any legislation that had been introduced, to date, regarding the Museum. Acknowledging the opportunity for the Commission to take a proactive approach in the matter, Chairman Knapp stated the Commission will follow the

issue very closely.

Ms. Knox asked Chairman Knapp if the Museum issue should be added to the agenda for the February 15, 2000 meeting. Mr. Knapp replied he would communicate with Senator Smith about the issue and advise Ms. Knox accordingly.

Donald Keuth suggested that someone from ADOA be present at the next meeting to bring the Commission up to date on ADOA's plan for a new facility. Mr. Keuth further inquired of the reason for the manufactured home situated in the Wesley Bolin parking lot. Ms. Knox replied that the home was on display by a lobbyist group and would be removed by January 23. Mr. Keuth also inquired about the fence in the same area.

Roger Berna, Planning Manager, ADOA, explained that the fence was a life safety project in view of the many school children that walk through the park area each day. Because the fencing material is basically see-through, Mr. Berna stated he believes the design is complimentary to the overall Wesley Bolin Plaza plan. Mr. Berna described some of the other aspects of the plan relative to constructing monuments and displaying plaques.

Mr. Keuth inquired on the schedule for the 17th Avenue construction. Mr. Berna replied that ADOT is working on the schedule and will be going out for bids very shortly, with the goal of starting construction after the legislative session ends.

Referring to his aerial map, Chairman Knapp asked the Commission members and Mr. Berna to identify, on the map, any other planned projects and submit those additions to him so that he can update the map. Discussion followed between Chairman Knapp and Mr. Berna regarding the status of the new state office buildings proposed for the ADOA and the Arizona Department of Environmental Quality (ADEQ). Mr. Berna replied that seven Request for Proposals (RFP) have been received by ADOA and are in the process of being reviewed. He added that ADOA is in the process of developing a project summary to present to the Legislature.

Chairman Knapp asked for comment from Commission members with respect to the involvement the Commission should or should not be taking regarding the proposed buildings to be constructed in the Governmental Mall area. Mr. Keuth replied that the Commission should be involved at that point in time when ADOA has selected the general contractor for the project involving the two facilities. Mr. Berna added that the Commission would become involved when an application for permit is submitted to the City of Phoenix by the general contractor. Mr. Berna also stated that submission for a permit is a requirement of the RFP.

Discussion followed between Chairman Knapp and Mr. Berna regarding the Commission's assistance in the project. Commenting that ADOA has a lot of support for the proposal, Mr. Berna stated that a decision must first come from the Legislature with respect to funding the project, with various options having been discussed including outright funding and lease purchase options.

respect to funding the project, with various options having been discussed including outright funding and lease purchase options.

Tim Brand, General Services Division, ADOA, answered Chairman Knapp's specific question about the Commission's offer of assistance by stating that ADOA will first submit the proposal to the Governor's Committee on Capital Review. He added that letters of support will be helpful and appreciated. Chairman Knapp stated that the Commission would draft a letter of support. Discussion followed between Commission members. Mr. Keuth suggested that the Chairman draft the letter for signatures from all of the Commission members. He added that the objective of getting endorsements from Commission members to ADOA would be accomplished in this manner without having to call a special meeting. Chairman Knapp favored the suggestion and stated he would proceed to draft a letter of support.

Other Public Testimony

Ms. Bosse announced that the Great Capitol Mall Clean Up would take place on Saturday, February 26 from 9:00 am to 1:00 p.m. (Attachment B). She distributed a handout describing the highlights of services provided by the Capitol Mall Association (Attachment C) and a handout that describes the transformations to the Governmental Mall area from 1995 to 1999 (Attachment D).

There being no further business, the meeting adjourned at 4:55 p.m.

Respectfully submitted,


Nancy Boyd
Committee Secretary

(Tape and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 113)

ARIZONA STATE LEGISLATURE
Forty-fourth Legislature – Second Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting
Friday, March 3, 2000
House Hearing Room 2 -- 1:30 p.m.

(Tape 1, Side A)

Chairman Knapp called the meeting to order at 1:30 p.m. and attendance was noted by the secretary.

Members Present

Tom Knapp, Chairman
Representative Roberta Voss
Senator Tom Smith
Leroy Brady
John Clements
William Creager

Joy Rich
Elliott Hibbs
Norman Hintz
Donald P. Keuth, Jr.
David Richert
Polly Rosenbaum

Members Absent

None

Speakers Present

Pat Chorpenning, Director, Arizona Department of Veteran Services
Billy Soza, President, Thunderbird Chapter of the 173rd Airborne Brigade
Larry Brown, State Commander, Military Order of the Purple Heart
M. Byron Norrell, Jr., Department Adjutant, Military Order of the Purple Heart
Jim Hartdegen, representing himself
William Sweeney, representing himself
Oscar Urrea, Founder, Vietnam Memorial Renovation
Lum-Bui, Vice Chairman, Vietnamese Community
Joe Abodeely, President, Air Assault Sky Trooper Chapter
George Notarpole, Chairman, Vietnam Memorial Renovation
Marc D'Ambrosi, President, Arizona Bronze
Larry Braden, representing himself
Bill Laurie, representing himself
Jim Givens, representing himself
Jim Middleton, Contractor, David Russell
Chantal McCarthy, representing herself
Sharon Russell FitzSimons, representing David Russell

Herb Lowrey, Owner, Lowrey and Associates
Jonathan Barnert, representing himself
David Therrien, Artist, representing himself
Tammy Bosse, President, Capitol Mall Association
Emerson Stiles, Project Manager of Building and Planning Services - Department of
Administration (DOA)
Bob Williams, Director, Criminal Justice Facilities Development - Criminal Justice Department
Chris Gillespie, Associate, Stichler
Bruce Meyers, Capitol Planner, Arizona Department of Administration

OPENING REMARKS

Chairman Knapp explained that the Vietnam Veterans Memorial was placed on the agenda because Mr. Jim Hartdegen requested the Commission to listen to concerns regarding the renovation.

VIETNAM VETERANS MEMORIAL

Pat Chorpenning, Director, Arizona Department of Veteran Services, explained that the Department is in favor of the proposed renovations on the Memorial. He stated that American soldiers were in Vietnam to help the South Vietnamese. Mr. Chorpenning asserted that it is very appropriate that the Vietnamese flag be flown at the Memorial. He suggested that it be flown today.

Billy Soza, President, Thunderbird Chapter of the 173rd Airborne Brigade, stated that he is a Vietnam veteran and declared that he strongly objects to the Vietnam flag not being flown at the Memorial.

Larry Brown, State Commander, Military Order of the Purple Heart, declared that he fought side by side with the South Vietnamese citizens and stated that the Vietnamese flag should be flown over the Memorial along with the American flag.

M. Byron Norrell, Jr, Department Adjutant, Military Order of the Purple Heart, declared that he fought communism in Vietnam right next to the South Vietnamese soldiers and related that he feels the Vietnamese flag should be flown at the Memorial. He stated that he opposes any and all proposed renovations for the Memorial.

Jim Hartdegen, representing himself, declared that he was involved in the initial process to erect the Vietnam Sculpture. He related that Jasper D'Ambrosi, the artist, put his heart and soul into creating the Memorial. He explained that Mr. D'Ambrosi went to Washington, D.C., and sat at the federal memorial looking at the bronze and tried to make Arizona's Vietnam Veteran Memorial the best in the nation.

Mr. Hartdegen declared that Mr. D'Ambrosi wanted the statue on the ground so the three men in the statute would have an impact on visitors. He asserted that the Memorial is sacred to the

Vietnam veterans and admonished Members that moving the monument would ruin the integrity of the structure. He informed Members that the monument is permeated with rebar. Mr. Hartdegen noted that he felt it was "terrible" that the State would consider drastically changing the Memorial after 15 years. He urged Members not to renovate the Memorial.

William Sweeney, representing himself, explained that he is a Vietnam veteran and fought along side the Vietnamese. He declared that the statute is a memorial and there is nothing wrong with flying the flag of a fallen government and the Vietnamese soldiers.

Oscar Urrea, Founder, Vietnam Memorial Renovation, declared that he would like to give the Memorial more meaning by renovating it. He welcomed suggestions on the renovation.

Lum-Bui, Vice Chairman, Vietnamese Community, urged Members to fly the South Vietnamese flag at the Memorial for the Vietnamese and American soldiers.

Joe Abodeely, President, Air Assault Sky Trooper Chapter, asked Members to support the renovation of the Memorial. He noted that the Chapter voted unanimously to renovate the Memorial.

George Notarpole, Chairman, Vietnam Memorial Renovation, pointed out that the Memorial has been vandalized on five different occasions and it is not lit up at night. He said that the base is also cracking away. Mr. Notarpole declared that he is in favor of the Vietnam flag flying over the Memorial and urged Members to fly the flag immediately.

Marc D'Ambrosi, President, Arizona Bronze, explained that Jasper D'Ambrosi, the artist that created the Memorial, is his father. He stated that he helped his father with this Memorial and the Memorial was built site specific. This means that the piece was designed for that site and it was designed at a level grade so that when someone walks up to this particular composition, the whole composition was taken into consideration. The observers would interact with the bronze and become a part of that scenario, part of the Vietnam dilemma. He urged Members not to change the Memorial and destroy the artist's intentions with the piece.

Larry Braden, representing himself, stated that he was the Vice President of the Vietnam Veteran Committee. He stated that when the Memorial was built, it was not meant to be modified. He said the Memorial is permanent and any modifications to move the Memorial will destroy it. Mr. Braden explained that he was present when the Memorial was built and has pictures showing all of the rebar being tied in with six-inch centers. He pointed out that jack hammering to move the granite will destroy the columns. Mr. Braden suggested that there should be a law to protect the Memorials from future modifications.

Bill Laurie, representing himself, spoke in favor of the reconstruction and renovation of the Vietnam Memorial. He declared that he is not an artist, but feels that the Memorial is "out of focus." He related that the omission of the South Vietnamese flag is excluding a significant part of the story.

Jim Givens, representing himself, explained that he is alive today because of the loyalty and the bravery of his South Vietnamese counterparts. Mr. Givens declared that he is one of the two

people of the Unit Rangers who went through the very teeth of what is called April Fools Day or the Eastern Offensive in 1972. He asserted that the South Vietnamese soldiers were brave soldiers and declared that the State owes its complete gratitude to these veterans.

Chairman Knapp read a letter from Don Mirkovich from Mirkovich and Associates Architects into the record (Attachment 1). Mr. Mirkovich's letter pleaded with the Commission to leave the bronze sculpture and tree as is for the following fundamental reasons:

1. The original design concept places the tree as a symbol of rebirth, growth and life central and paramount to the human condition. The tree's roots radiate to the columns, gaining its strength from sacrificed lives immortalized in granite. In contrast, by raising the centralized combat figures above eye level, as proposed, tends to glorify war and appears less compassionate to the warrior spirit.
2. Removing the sculpture places the entire Arizona Vietnam Veteran's Memorial in physical and structural jeopardy.
3. There is no evidence that elevating the sculpture will deter or reduce vandalism.

GRACE COURT SCHOOL

Chairman Knapp noted that, in his opinion, the demolition of the Grace Court School is contrary to the Development Guidelines. The Commission, he stated, can vote to change that. Several Members questioned whether or not the Commission has the authority to make a decision about the demolition of the Grace Court School.

Mr. Clements moved that that the Commission refers to the legislative counsel or the Attorney General as to whether or not the issue is rightfully before the Commission.

Mr. Hinz seconded Mr. Clements' motion.

Jim Middleton, Contractor, David Russell, declared that Mr. Russell was mandated by the City of Phoenix to do something with the building because of vandalism and fire damage. He stated that the upkeep of the building is expensive, and Mr. Russell would like to demolish the building.

Chantal McCarthy, representing herself, urged Members to find out whether or not they have the authority to vote on the demolition of the Grace Court School. She stated that the Grace Court School is a historical part of Arizona.

Sharon Russell FitzSimons, representing David Russell, declared that she is the niece of David Russell, the owner of the Grace Court School. She pointed out that Mr. Russell has been ordered by the City of Phoenix Fire Department to come forth with a plan to take care of the attractive

nuisance and stabilize the building. She related that Mr. Russell has the authority to demolish the building. Ms. FitzSimons highlighted the fact that the building is a "major liability" on Mr. Russell's behalf.

Herb Lowrey, Owner, Lowrey and Associates, explained that Mr. Russell had a responsibility to secure the building and keep it safe from vandals. He noted that the School is a part of Arizona's history and should not be destroyed.

Jonathan Barnert, representing himself, spoke in opposition to the demolition of the Grace Court School.

David Therrien, Artist, representing himself, explained that he is a property owner in the area of where the Grace Court School is located. He stated that the School is a historic building and a national treasure. He urged Members to save this building.

Tammy Bosse, President, Capitol Mall Association, explained that Mr. Russell gave her a tour of the School right after he purchased the building and it was in beautiful condition. She said that the building has deteriorated over the years. She spoke in opposition to the demolition of the building.

Ms. FitzSimons stood and declared that her uncle, Mr. Russell, has legal authority to demolish the building, but he had to appear before the Commission first. She stated that Mr. Russell has a serious health condition and the upkeep of the School is causing a "major upheaval" in their family. She admonished Members that if they wait to decide on the demolition, the Russell family would have to endure more risk and worry that a tragedy will happen at the School.

Miss Voss asked Ms. FitzSimons who gave Mr. Russell the legal authority to demolish the School. She explained that Mr. Russell has a document from the City of Phoenix authorizing the demolition of the School.

Question was called on Mr. Clement's motion. The motion carried.

DEPARTMENT OF ADMINISTRATION CELLULAR PHONE ANTENNA

Emerson Stiles, Project Manager of Building and Planning Services - Department of Administration (DOA), briefed Members about the cellular antennas on the Capitol Mall. He explained that in late 1999 the Arizona Department of Administration (ADOA) was approached separately by several cellular phone providers interested in installing antennas and related equipment onto two of the State owned office buildings on the Capitol Mall. While this will not be the first cellular antenna installed on the Capitol Mall, there is a tower between Monroe and Van Buren, east of 18th Avenue, it will be the first to be installed on State property.

In evaluating the requests, ADOA General Services Division (GSD) consulted with representatives of the Arizona Department of Transportation (ADOT) and the State Land Department, both of which have had extensive experience in leasing land for antennas on their properties. The Department then worked with Management Services Division's purchasing

section and with the State Purchasing Office to develop a set of specifications and a lease document for soliciting offers. In November, Requests for Proposals were sent out and in December two carriers were selected for final lease negotiations: U.S. West for the Revenue building and Cellular One for the 1616 West Adams building.

The proposals are similar, calling for construction of an equipment shelter on the roof and flat panel antennas mounted on the building's exterior surface. The panels will be painted to blend in with the building. The carriers will be responsible for all construction and maintenance as well as utility costs associated with their antennas.

He declared that the antennas could be functioning within 60 to 90 days after construction starts.

Mr. Stiles gave Members two handouts. The first one is entitled "Site Plan Cellular One" (Attachment 2) and the second is entitled USWest Communications wireless project (Attachment 3).

**Mr. Clements moved that the DOA Cellular Phone Antennas be approved.
Mr. Keuth seconded the motion. The motion carried.**

David Therrien, Artist, representing himself, stated that the Commission is ignoring basic planning outlines by putting the parking lot at ground level. He said that this creates dead, dangerous areas.

UPDATE ON THE MASTER PLAN FOR MARICOPA COUNTY DOWNTOWN

Mr. Hintz stood and explained the planned improvements on the Governmental Mall by defining points on a map (Attachment 4). He explained that there are currently four projects under consideration for the downtown area.

Mr. Richert suggested that housing be considered in the master plan for this area.

UPDATE ON THE MARICOPA COUNTY MEDICAL EXAMINER'S COMPLEX

Bob Williams, Director, Criminal Justice Facilities Development - Criminal Justice Department stated that the new complex is a very important project for Maricopa County. He explained that the architecture of the building would be appropriate for the Mall area. He said that this project is very important. Mr. Williams declared that there are material deficiencies in the current building. He invited Members to the current facility to observe all of the deficiencies.

Chris Gillespie, Associate, Stichler, explained that Stichler has created a design to satisfy all of the Capital Mall Association's conditions for the Examiner's Complex. He explained that the architecture of the building is within all Capitol District Development Guidelines with the exception of the setback.

He referred Members to a letter written by Tammy Bosse. Ms. Bosse gave the following background about the Capitol Mall in her letter:

"The Capitol Mall District is a very important geographic area within the State of Arizona. Because it surrounds the Arizona State Capitol, it has the opportunity to welcome Arizonans and visitors to our State with pride and makes a strong positive statement about Arizona's values, culture and vitality. Historically, many visionaries have made valiant attempts at creating a special "Mall" surrounding Arizona's State Capitol. Much progress has been made over the years, but the efforts have often been thwarted and stalled. The past fourteen years have been very problematic for this area. Capitol Mall area has suffered greatly due to public policy and other decisions to locate things in the Capitol Mall District that were not wanted elsewhere in the community. As a result, for years there was an intense downward spiral of the community with rampant abandonment of the area by residents, businesses, government and the community. Vacant buildings, trashed out lots, crack dealers on the streets, abandoned buildings and ransacked houses became the prominent sight surrounding the State Capitol and State buildings. Criminal activities permeated the area and the image and reality of the Capitol Mall was that it was unsafe, unsightly, and a place to go only if you had to.

"Now, the capitol Mall Association, in partnership with Phoenix community Alliance, the Governmental Mall Commission, City of Phoenix and State officials and others are reversing the downward spiral into a positive revitalization effort. Much has been accomplished. Former boarded up drug houses have been transformed into beautifully restored home ownership houses. Ninety percent of the narcotics activity in the residential area has been eliminated. The alleys, streets, abandoned properties and vacant lots are being cleaned up, rehabilitated and put back into use. Crime has been reduced substantially. But while the momentum is building in the positive direction, the revitalization is at that delicate stage where the downward spiral could begin again if the community does not continue to work together to maintain the progress. Because of the negative public perception of the Capitol Mall District, the first large development can have a major impact. Therefore, we are keenly interested in how the county's proposal develops."

Mr. Gillespie iterated that Ms. Bosse noted that the 7th Avenue and Madison site for the forensic center and parking lot is not an acceptable site, because it would involve demolition of the Harlan Company. He stated that Ms. Bosse pointed out in her letter that the 7th Avenue and Jefferson site is an acceptable location for the parking garage and forensics sciences center.

Mr. Hintz moved that that the Commission supports the design concept and grant the exception as requested for the setback on Jefferson Street.

Mr. Keuth seconded the motion. The motion carried.

UPDATE ON THE MARICOPA COUNTY CRIMINAL JUSTICE FACILITY

Bob Williams, Director, Criminal Justice Facilities Development - Criminal Justice Department, gave Members a handout (Attachment 5) to follow while he explained each point. Mr. Williams declared that the whole program is a little over 3,000 beds—it is a large program. He stated that this plan will proceed roughly into the year 2010.

David Therrien, Artist, representing himself, asked Members why the State is spending criminal justice dollars on the parking garage when it has nothing to do with the jail. He also asked who is going to profit from the stadium's cooling system being used to cool all of the County facilities.

Chairman Knapp declared that the aforementioned questions do not pertain specifically to the Development Guidelines and announced that the Commission would move on to the next agenda item.

ADDITION TO THE MINE AND MINERALS MUSEUM

Senator Smith stated that there has been discussion about the expansion of the Mine and Minerals Museum. He declared that the discussion concerned expanding the inside of the Museum.

Chairman Knapp pointed out that the members of the group have "gone on record" supporting the Department of Administration's current plan for capitol improvements. He stated that the Commission needs to consider this expansion very carefully. Senator Smith commented that he would find out more information and pass it along to the Commission.

OTHER DISCUSSION ITEMS

Bruce Meyers, Capitol Planner, Arizona Department of Administration, related that the final construction drawings have been prepared and the Department is initiating the bidding process for approval for the expenditure of the funds. He pointed out that the street in front of the Capitol would be reduced in order to widen the sidewalks. He said that there would also be more lighting for the sidewalks and the street.

Without objection, the meeting adjourned at 3:45 p.m.

Gina Kash, Committee Secretary

(Original minutes, attachments and tapes on file in the Office of the Chief Clerk.)

ARIZONA STATE LEGISLATURE
Forty-fourth Legislature – Second Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting
Tuesday, August 1, 2000 – 3:00 PM
House Hearing Room 3

MEMBERS PRESENT:

Donald P. Keuth, Jr.,
Representative Roberta Voss
William McMullen
Polly Rosenbaum

Norman Hintz
Elliott Hibbs
David Richert

MEMBERS ABSENT:

Tom Knapp, Chairman
Senator Tom Smith
Leroy Brady
John Clements
Joy Rich

STAFF:

Kathi Knox, Deputy Director of Research, House of Representatives
Mike Huckins, Assistant Analyst, House of Representatives

Mr. Keuth announced he would be chairing the meeting in the absence of Chairman Knapp, who would not be present today. He called the meeting to order at 3:10 p.m. and attendance was noted. See attached list for other attendees (Attachment A).

OPENING REMARKS

Mr. Keuth welcomed the newest member to the Committee, William McMullen. The minutes of the meeting of March 3, 2000 were distributed to the members for informational purposes only (Attachment B).

PRESENTATIONS

Maricopa County Forensic Science Center Update

Michael Wright, Stichler Group, gave a presentation on behalf of Maricopa County. He noted his firm was last before the Commission in March 2000, and wanted to update the Commission on the progress. He stated at the last presentation the Commission accepted the proposed design, with one recommendation offered by the Commission and two from the public. The recommendation by the Commission to move the building

further north to front the property line had been accomplished. Mr. Wright pointed out on the renderings that the building has been moved north about eight feet so it is exactly on the property line. He indicated the public wanted to see the potential for retail developed along Madison Avenue. By moving the building north, the potential has been created to develop a landscape zone, which can be converted into retail space. The lower portion of the building has been designed to accept retail.

Mr. Wright remarked the third recommendation related to a parking structure along Madison Street. However, in analyzing that recommendation, it was determined it would not be feasible because a significant portion of parking capability would be lost in the project. He described the design and elevations with the north elevation along Jefferson Street as the primary Forensic Center. The ground floor would be office space and the second floor is laboratory space. He said the design complies with the Capitol Mall and Governmental Mall Commission guidelines, and pointed out the location of entrances into the building. He provided samples of the building material available for inspection, stating the main building would be made out of pre-cast concrete, and the base of the building from red sandstone. He explained that particular material is indigenous to the area and has been used extensively on municipal buildings and high-end retail and other buildings throughout downtown.

Mr. Hintz complimented Mr. Wright for the work that the architects accomplished in response to comments by the Commission and the public. He stated he believed it would be a welcome addition to Jefferson Street.

In response to an inquiry by Mr. Keuth regarding the groundbreaking schedule, Mr. Wright replied bids will occur in March 2001, and construction should commence in the summer of 2001. He remarked there is a one-story building on the northwest corner of the site at Eighth Street and Jefferson, as well as another structure, which are not currently being utilized. In addition, there is a cell tower on the corner of Eighth and Madison, which will be relocated.

Mr. Keuth asked if the site clearing will precede the bidding. Mr. Wright replied they are working independently with the cell company to determine if the cost of relocation could be reduced by possibly providing a county location for it. He said that relocation would precede the other demolition, which would be fairly simple.

Fourth Marine Division Memorial Upgrade

Roger Berna, Planning Manager for the Arizona Department of Administration (DOA), distributed a letter dated July 25, 2000, from DOA Director, J. Elliott Hibbs, stating that DOA has reviewed the proposal and it basically has no maintenance impact (Attachment C). He remarked that DOA also discussed the modifications with Library and Archives, and that Arizona Historical Advisory Commission approval is not required. Mr. Berna commented if there is no objection, he did not feel there was any real substance involved for the Commission to review. He said the proposal had previously been presented to the Commission, and that Howard Haury from the Fourth Marine

Division, Chapter 33, was present to answer any questions. He said the plan is to install bricks with the members' names from the Arizona Chapter, along the lines of what was done at the Purple Heart Memorial.

Mr. Keuth said based upon the recommendations of the Director of DOA, the Commission is satisfied and that no motion is required.

Grace Court School

Mr. Keuth explained this has been an ongoing issue including a request for a legal opinion as to the actual authority and responsibility of the Commission relating to the school, and whether or not it had authority to approve or disapprove a request for a demolition permit. He noted correspondence had been received from Legislative Staff relating to the issue and requested an update of the findings.

Kenneth Behringer, General Counsel, Arizona Legislative Council, commented on the March 27, 2000 memorandum from Michael Braun, Executive Director, Arizona Legislative Council (Attachment D). He said one of the duties of the Commission as set forth in Arizona Revised Statutes (A.R.S.) section 41-1362, subsection B, provides that the Commission is to "review and approve or disapprove in writing requests for permission to develop structures or sites or award construction contracts for new buildings or improvements within the Governmental Mall." He noted the term "develop" is not defined in the statute, so the terms in statute which are not defined are given ordinary meaning. He said they looked through other uses of the term in the statute and also referred to the dictionary definition for an ordinary meaning. Some of the dictionary definitions talk about "changing the form, to convert an area into an area suitable for residential or business purposes, or to make available and usable of something previously only potentially available or usable."

He said the idea is to change the form of something in an area. The statute discusses not only developing structures, but sites as well. Demolition or removing a structure changes the form of that site to prepare it for another use. Therefore, the duty to approve or disapprove permission to develop a site includes demolition of a structure on the site. He explained that is the basic analysis, and the statute is fairly clear on that point.

Mr. Keuth indicated a number of individuals present wished to testify.

Sam Udall, representing Grace Court School Alumni, opposes demolition. He testified he lives in Gilbert, and was born and raised in Phoenix. He graduated from Adams School, as it was called at that time in 1944. Mrs. Grace Court was the principal, and the school's name was later changed to honor her. He said he is speaking for preserving the building, and is opposed to the demolition. He stated the house where he formerly lived on 14th Avenue and Adams has since been torn down and is now a parking lot. He talked about the enjoyment of being at that school with Mrs. Grace Court and the many teachers, and emphasized it would be a shame if the

State would allow such a magnificent building to be torn down for "progress." He noted it is the only school left standing that was built prior to Arizona becoming a State in 1912, having been built in 1911. He said he is hopeful that somehow the State can raise the money so the school could be refurbished and turned into an education museum. He said both political parties stress the number one issue is education, and he said this would be a great time to have something substantial in Arizona to show the many people who visit that we are pro-education. He questioned how we could expect Arizona's descendents to remember this generation, if we do not remember our heritage that did so much for us in the past. He said he does not represent any particular person, but rather the Alumni of Grace School as an unofficial representative. He then sang the Alma Mater fight song and received a round of applause.

Lisa Irwin, Downtown Resident and property owner, stated she lives two miles from Grace Court and drives by frequently. She said it is sad to see the school in such disrepair, and that it has been allowed to deteriorate for the past twenty years. She added if the Commission allows the demolition of the building, it will be destroying a part of Arizona's past that cannot be replaced and will be gone forever. She reiterated it is the last standing school in territorial history, which is very important history for Phoenix and future generations. She pointed out the August 11, 2000 issue of Preservation Magazine, published by the National Trust for Historic Preservation, listed the eleven most endangered historical places and the third on the list is historic neighborhood schools. She indicated this is a national epidemic. She urged the Commission to save Grace Court, indicating there is much interest in rehabilitating the school.

Jonathan Barnert, representing the Historic Preservation Advisory Committee (HPAC), opposes demolition, and said the issue is a legal question. He stated he understands the Commission has the authority to rule on whether or not the building will be saved or demolished. Mr. Keuth replied that is correct. Mr. Barnert urged to vote against demolition. He said the public has made statements on this issue, and he wished to echo Mr. Udall's comments that the State has an opportunity to preserve the past. He said he is running for Board Supervisor in District 5 and has not met anyone in that district who wants to see the building demolished. He said this presents a wonderful opportunity to show what is proposed for the downtown area.

Shannon Dubasik, Community Development Coordinator, Capitol Mall Association, commented that as a representative from the neighborhood, she is very concerned about Grace Court and does not want it to be demolished. She said the neighbors feel it could be a pivotal development in the neighborhood that they have worked very hard to revitalize and restore. They are aware of various proposals for that site, and there are many people present who have very strong passions to save and restore the building. It is significant to the heritage of the State as it is the last remaining territorial school and is listed in the National Register. She urged consideration to save the building.

Verna Watson, representing herself, stated she works at the Capitol, and is a graduate of Grace Court. She is a native of the Capitol area, and remarked that the

State saved Jackson School, but did not save Capitol School. She commented on the beauty and wonderful experiences in the Capitol area, and urged the Commission to save Grace Court. She said it can be used for many purposes, and should be saved for future generations. She said she belongs to Phoenix Union Alumni Association, and many members graduated from Grace School.

Tom Chapman, serves as a member of the Phoenix Advisory Board Committee in areas of neighborhood reinvestment. He said he joins the many people to help save a piece of history in downtown Phoenix.

David Therrien, representing himself, opposes demolition. He stated he is a property owner a couple of blocks from Grace Court. He said the building has historical relevance and is one of the very few remaining historical buildings downtown. He commented that the Commission has a responsibility to preserve historic buildings because once they are gone, it will be too late. He said the demolition of Grace Court will not increase property values, and if anything will decrease those values. He said retaining Grace School is the only choice to make.

Tammy Bosse, concerned citizen. She said a parking lot would not improve the vitality of the area to make it more interesting and dynamic. She said although it may take resources, historic buildings bring vitality to neighborhoods and should be preserved to promote a link to the past. She said the Commission has the responsibility to move forward to enable the preservation of this building, and it is an important decision.

Chantal McCarthy, opposes demolition, recognizing the historical value of the building. She addressed her concerns regarding the Commission's responsibility not only to Arizona, but also to the people and heritage. She hopes the Commission realizes the seriousness and consequences of its decision.

Herb Lowrey, Owner, Lowrey and Associates, opposes demolition. He commented his firm recently obtained a certificate of occupancy for a structure on Second Avenue and Fillmore, which was originally built in 1929. He said everyone had wanted to tear it down because it was a blight to the neighborhood, but now it is becoming the home to eighteen stakeholders downtown. He commented on the value it has brought to the neighborhood and is concerned about other projects such as Grace Court. He said they are part of the Request for Proposal (RFP) submitted to the city, and are concerned whether the neighborhood will continue its historical presence. He said people are interested and will pay to have historical structures preserved as part of the community. He urged the Commission to consider Grace Court an asset to the entire area and to preserve other historical buildings. He remarked if it presents a hardship for anyone owning such buildings, it is because the buildings have not been developed. He said perhaps ten or twenty years ago the community was not ready, but now they are and there are buyers to preserve the history. He urged the Commission to oppose the demolition of Grace Court.

Mr. Hintz referred to his comment about the RFP process and asked about the status.

Mr. Lowrey replied it was turned in to the City of Phoenix, but he has not yet received an answer. He said three proposals are being considered, and he has met with the owners of the property giving them a full outline of the proposals for the building. They have brought in other developers, and are waiting for a reply. Mr. Hintz asked whether the property was for sale. Mr. Lowrey replied that it has not been officially listed for sale.

Susan Shaffer Nahmias, Vice Chair, Phoenix Historic Preservation Commission (PHPC) opposes demolition. She said she wanted to reiterate comments already heard regarding economic preservation and emotional attachment of history in the community and State. She commented PHPC has advocated for the preservation of Grace Court, and the building is one year older than the State itself being the last territorial school in the City. PHPC views it as a very important aspect of the Capitol Mall, and has allocated funding to support its maintenance currently until a decision is made on its future. She said PHPC hopes it will not be bulldozed, and urged the Commission to consider denial of the request for demolition.

Mr. Richert asked whether PHPC was asking for funds in the bond program for 2001 in support of this building. Ms. Nahmias replied continued preservation, care and rehabilitation are very important of whatever PHPC undertakes. She said PHPC is very committed to work hard to obtain funds allocated in the bond proposal.

Mr. Richert asked whether she believed there are funds set aside for this purpose. Ms. Nahmias replied she could not speak specifically of how bond funding will be used, but said there are many buildings in need and certainly Grace Court is one of them. She said since she is not a Committee Member, she is not able to comment whether any funds are going to Grace Court, but believes it is one of the many significant properties that should be preserved.

Mr. Richert said it is important to make sure those bond funds happen so they can be used as seed money, which is the purpose of those funds. He indicated property values are changing, and will cause these buildings to become more endangered.

Reid Butler, Regional Partner for Legacy Partners, said he is present to discuss the Capitol Mews item on the agenda. However, he said his firm is one of the three companies mentioned to submit proposals to redevelop the area around Grace Court School. He said the proposal would create a mixed-use development including housing, office and retail. The school itself would be developed as housing, either as ownership or rental and would wrap around to the back of the site. The center core would be developed as office space. He explained that the old Madison Square Garden Building built several decades ago on Seventh Avenue would be retained and developed as retail, restaurant or a coffee shop. Other retail would also be included toward Van Buren, and would present a wonderful opportunity to combine the old with the new similar to the Orpheum Theater project. He noted the same architect would

combine the old city of Phoenix with new ideas, which is being accomplished throughout the west.

He remarked this site also presents a great opportunity to create a private development. There is a lot of activity with the state capitol expanding, which will add a million square feet over a ten-year period. Grace Court could be a private development that links it to housing, office and retail bringing a market into the downtown area. He said as more rooftops appear in the downtown area, the next issue would be a grocery store. He stated the property is not for sale and the process is moving forward. The RFP process is occurring, but no decision has yet been made.

John Saccoman, opposes demolition. He lives and works in the Capitol Mall area, but does not see many neighbors. He is interested in the area because of the old building, and took a risk two years ago buying a home in the area. He said the architecture of Grace Court lends itself to the community and is symbolic in many ways. If it is demolished, it would be replaced by a vacant lot and a piece of history will be destroyed. The residents who live in the area are opposed to demolition, and are very enthusiastic about the proposal by Mr. Butler to make it into a real community. He urged the Commission to deny demolition of the Grace Court School.

James Braselton, Attorney for Basil David Russell Estate, current owner of Grace Court School. He cited A.R.S. 41-1312 and explained its meaning. He said the law provides for the Commission to focus on the development, maintenance and consistency of a general plan for the area and that the Commission's specific statutory task is to review plans before the city can issue building permits for redevelopment. He said there are a number of constitutional defects, which if necessary, will be raised in a separate proceeding. He said there is a violation of equal protection when two different governmental entities attempt to regulate land out of one parcel. It is within the jurisdiction of the City of Phoenix to determine appropriate land use, and the attempted invasion of another level of governmental oversight violates equal protection. He said it is important to recognize that to the extent the Commission is a governmental agency acting with respect to private property rights, which are protected by the Federal and Arizona Constitutions (Attachment E).

Mr. Braselton commented there has been a lot of talk to save Grace Court, but if the government is going to take efforts to interfere and preclude the owner from developing and re-developing, then the government has the responsibility to compensate the landowner. He noted it is important that the discussion is not about retaining this building as a school, but that it is now privately owned property and protected by the Constitutions of this country and state.

Mr. Braselton commented on the other options available, indicating he has had meetings with all three respondents with the City of Phoenix and is considering the proposals at this time. He said the City has not stepped forward and indicated it is willing to put any money into this project. At this point the city sent out the RFP, and discussions are taking place. He said it is important that if the Commission denies the

application and makes a recommendation to the City Council that the existing demolition permit be revoked and demolition denied, the landowner's hands will be tied. He asked that all factors be considered.

Mr. Hibbs asked whether he was suggesting that the Commission take no action today and to defer any action regarding demolition until he has had a chance to negotiate with the other parties. Mr. Braselton replied it would be his desire that the Commission agree with him on the jurisdiction issue. If the Commission believes it does have jurisdiction, then he would prefer no action be taken at this point and allow continuing discussions. He added the property is currently being appraised and then all proposals will be evaluated. He said additional time is needed to obtain that information before pursuing other discussions for development.

Mr. Richert asked about the appraisals including the building remaining on the property versus not being there. Mr. Braselton replied an appraiser is conducting a full appraisal including highest and best use. He said it is his understanding the appraiser will be evaluating it with the re-development of the school building as an historical structure and also re-development of the site.

Mr. Richert asked whether there could be an enhancement of value. Mr. Braselton replied he cannot speak as to what the appraisal will show, but the charge was to determine highest and best use.

Mr. Richert stated the property is considered part of the Governmental Mall, which is a massive area. He said he stands on property rights, but that Mr. Braselton's client should be aware that something should be evident to show damages, otherwise he will not have "a leg to run on."

Mr. Braselton cited equal protection and explained that the Commission regulates protection over this little area within the City of Phoenix thereby creating an overlay of jurisdiction.

Mr. Richert asked whether it is the intent of the Trust to sell the property. Mr. Braselton replied the Trust is completely undecided whether it intends to sell the property, redevelop the property, or to participate as a partner in development. He said until he obtains the evaluation analysis they are entitled to before their property rights are taken away, they will keep all those options open.

Mr. Keuth asked whether there was anyone else who wished to be heard regarding Grace Court.

Murray Miller, City of Phoenix, spoke in opposition of demolition. He said with any historic building, there are arguments to be made with respect to the economics. He said regarding future bond funds, the City recognizes that this building as well as other buildings require financial assistance. Grace Court has been considered among other buildings in a particular category, i.e., endangered buildings. He stated that issue has

been recognized and will be considered in the next bond fund request. Mr. Miller urged the Commission to take responsibility to preserve historic buildings.

Mr. Keuth asked if any committee members had any further comments.

Mr. Hintz said it appears there are two courses of action and asked Legislative Counsel whether some time should be taken to determine if there is another course of action that could be taken. Mr. Behringer replied that could be considered.

Mr. Keuth asked for any other comments. He said he has been in discussion with the City of Phoenix regarding proposals by well-meaning financial people who can do something positive with this property. The proposals specifically stated that the school had to remain an integral part of the development of the site. He said discussion has also taken place with the owner. He noted that the attorney for the owner indicated some action by this body would go back to the City Council of Phoenix. Mr. Keuth said he does not believe there is recourse back to the City of Phoenix, and if the Commission approved or denied the application, it would be referred to Superior Court. He indicated there is general sentiment that the building should not be demolished and that it should be developed. At the same time he commented that sometimes good decisions are made with unintended consequences.

Mr. Keuth remarked that he appreciates Mr. Hintz's question because he believes the appropriate action would be to allow the RFP process, but only with the clear understanding that this Commission would support the denial of the permit. He added that his concern about placing a denial on the table, even though it may be done with best intentions, could have an impact on the sale of the property and affect financing, title, etc. He said he believes the Commission would like to see that building saved as part of redevelopment. He suggested perhaps a motion should be made to table it until the next meeting with the understanding the Commission strongly urges negotiations between the City, owners and potential developers with the understanding of bringing it back for action which could result in a denial of permit.

Mr. Hintz moved the issue be tabled to the next meeting. Motion was seconded.

Mr. Keuth called for any discussion.

Representative Voss said the motion to table will eliminate the ability for legislators to act on it again, if that is the desire of the Commission. She stated that the chair needs to have the individual withdraw the motion, and the Chair to hold the issue on its own account.

Mr. Hintz withdrew his motion and the second was withdrawn.

Mr. Keuth said the Commission will hold the item until the next meeting.

Design Build - Leaseback

Tim Brand, Arizona Department of Administration (DOA). He said eighteen months ago DOA gave a presentation on a ten-year master plan for the Capitol Mall. The Speaker of the House indicated he liked the plan, but said it required a funding proposal. Mr. Brand remarked DOA did not want to seek additional funding, so came up with "Privatized Lease to Own" (PLTO) under S.B. 1063, which simply merges dollars already in the State budget for office buildings at the Capitol Mall that otherwise was not possible. He said the Legislature was interested in that concept. The bill passed in the House 57 to zero; and in the Senate 28 to zero and signed by the Governor.

Mr. Brand reported that subsequent to the bill signing, DOA proceeded with proposal requests and received seven very good proposals from developers who all met minimum qualifications. DOA selected the number one candidate, Opus Southwest. The proposal involves development of two office buildings. One of the buildings is for DOA, and the other is the Arizona Department of Environmental Quality (ADEQ) building. He pointed out the site on renderings, stating the Evans House will be protected under the proposal. He said the ADEQ building will be six stories totaling 600,000 square feet, including a parking garage.

Mr. Brand proceeded to point out the other phases of the proposal and noted DOA is negotiating with Opus to sign a contract to start. He said DOA will be back before the Committee and will obtain city permits. He stated that the developer will own the building over a term. The state will then lease the building, and it will become the property of the state. The DOA building will be a four-story office building, including 185,000 square feet. A parking garage will be built between 1616 W. Adams and 1520 W. Adams.

Mr. Keuth said it is an interesting process. Mr. Brand said the concept is step two of a ten-year plan. Step one was the re-creation of Seventeenth Avenue, which is taking place currently.

Mr. Keuth asked when construction is anticipated to begin. Mr. Brand replied according to schedule, January 1, 2001. Mr. Hintz said he wanted to compliment them for moving out of a taxpayer controversy. Mr. Brand replied the concept is less expensive for the State. Mr. Keuth said it will be advantageous to have the State employees located in the area.

Capitol Mews Presentation

Mr. Butler gave a presentation on a proposed 200-unit apartment property to be located on Van Buren next to University Park. He explained that he became involved in 1988 when bond funds were available to help revitalize neighborhoods. He commented a proposal was made two years ago to DOA to purchase Evans House in order to construct additional housing around that building. He said at that time Grace Court was

considered as a potential site for a mixed-use development, but was turned down by the State because the State had a long-term plan to bring office space back into the Capitol market.

Mr. Butler explained the next site consists of seven acres located by University Park, which has been under contract for one and a half years. He said multiple layers of financing have been completed for the project including bond financing by the State of Arizona in January, which closed in May. He said the next stage of financing will be completed prior to October. He commented this property will be under construction in October. He pointed out the concept is to build 200 rental apartments on the seven-acre parcel of land, and the real challenge is to develop attractive housing and make it safe without making it a fortress. He explained how the project would be completed, with affordability being an important factor comparing prices with the marketplace. He said they are in the planning process working with the City and will be submitting for permits with construction in October. The project will be completed in twelve to eighteen months. He said three years ago this type of housing would not have been possible, but today it has received much support

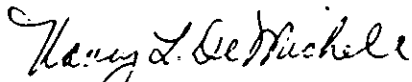
In response to a question from Mr. Hintz regarding the range of rents, Mr. Butler replied the range will include one-, two-, and three-bedroom apartments which will be approximately \$200 to \$250 lower than market.

In response to a question from Mr. McMullen as to whether it included city subsidies, Mr. Butler responded there are five layers of financing. The City of Phoenix will provide home loan funds to be repaid over twenty years, and the core will be tax-exempt bond financing which was extended by the State last January. The total funding package including other financing totaling \$16 million. He added it is a complicated financing structure. Mr. Butler said groundbreaking will occur in October.

A motion was made by Mr. Richert and seconded by Mr. Hintz to endorse the Capitol Mews project. The motion CARRIED.

There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,



Nancy L. DeMichele
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 113.)

ARIZONA STATE LEGISLATURE

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

**Minutes of the Meeting
Tuesday, September 19, 2000
House Hearing Room 4 3:30 P.M.**

Members Present:

Tom Knapp, Chair
Senator Tom Smith
Leroy Brady
John Clements

Joy Rich
Norman Hintz
Donald P. Keuth, Jr.
David Richert
Polly Rosenbaum

Members Absent:

Representative Roberta Voss
William McMullen
Elliott Hibbs

Staff:

Larry Chesley, House Analyst

Tape 1, Side A

OPENING REMARKS

Chairman Knapp called the meeting to order at 3:35 p.m. and attendance was noted. He reminded the members that the minutes of August 1, 2000 meeting reflect that the Commission moved to table the issue of the Grace Court School to the next meeting. He pointed out at that time the Commission strongly urged negotiations between the City of Phoenix, owners and potential developers with the understanding of bringing it back for action, which could result in a denial of a permit. He stated that is the situation, and there is no carry-over action other than the fact it was tabled until today's meeting.

Mr. Knapp commented that he would allow public testimony to be heard before the Commission makes a decision. He indicated the time limit for presentations will be held to five minutes.

PUBLIC TESTIMONY

Mr. Knapp noted that Tom Chapman, Capitol Mall Association, was present in opposition of the Grace Court School demolition.

Shannon Dubasik, Capitol Mall Association, testified in opposition of the demolition of the Grace Court School. She stated the Association's opposition is based upon the building's historical significance. The Association is aware of plans that exist to develop the area to the benefit of the neighborhood, and does not want to lose any more significant historical properties in the downtown area as has occurred in the past.

Robert Varnicke, resident of Phoenix, testified in opposition of the demolition of Grace Court School. He commented he had attended Kenworth and noted that there are not many of the old buildings in Phoenix remaining. He recollected field trips that he had attended, as a child, to other school buildings including Grace Court. He commented there are many people who share his views that to demolish Grace Court School and turn it into a parking lot would be a shame.

Tom Simplot, Chair, City of Phoenix Historic Preservation Commission, testified in opposition of demolishing Grace Court, which he classified as a beautiful, historic landmark building. He noted that the Preservation Commission voted to spend up to \$40,000 to aid in the prevention of the demolition. He urged the members to not approve the demolition today.

Reid Butler, Regional Partner, Legacy Partners, testified in opposition of demolition of Grace Court School. He indicated from 1988 to 1995 he was a member of the City of Phoenix Historical Preservation Commission. He stated that Legacy Partners is the developer of a housing community that is to be built in the Capitol Mall on 12th Avenue and Van Buren adjacent to University Park. He explained it is a 200-unit housing community that will be under construction in November. Mr. Butler stated that Legacy Partners is one of the three companies involved in the Request for Proposal (RFP) that was conducted this summer for the acquisition and development of the Grace Court School. He explained that their proposal was to retain the school as a centerpiece with housing in the school as it would be redeveloped. He noted the entire development would include a mixed-use plan with housing around the school, office components in the core, and retail development along Seventh Avenue wrapping around to Van Buren. He said the status of the RFP that was submitted is still in the process of consideration. Mr. Butler stated the reason Legacy Partners is interested in becoming involved with the redevelopment of this site is because it will be an opportunity for a private sector connection between the activity within the Governmental Mall and the activity downtown that is moving west towards Seventh Avenue.

James Braselton, Attorney representing Russell Estate, the owners of Grace Court School property, stated that at the last meeting he made reference to the fact that he does not believe, as a matter of law, that the Commission has jurisdiction in this matter. In response to the comment made by Mr. Varnicke, Mr. Braselton stated that he was not aware of a parking lot being proposed for this site. He asked the Commission to think seriously on this issue before any vote is taken. He commented that the Commission has specific statutory authority that is set forth in A.R.S. 41-1362, subsection B, number 4, which states the Commission's jurisdiction is limited to the review and approval or disapproval in writing regarding requests for permission to

develop structures or sites. He said he knew the Commission has the opinion of an attorney that indicates the words "develop structures or sites" somehow gives the Commission authority to act on applications to demolish buildings. Mr. Braselton opined there is no conceivable way a court is going to construe that authority to encompass demolition. With respect to the jurisdictional question, he commented it is important to remember that what the Commission is really acting on is an application that his client filed with the City of Phoenix. He noted it is a City of Phoenix Historic Preservation ordinance, enacted by the City Council and enforced by the City of Phoenix. He added that for the State Governmental Mall Commission to purport to enforce a city ordinance is, in his opinion, unprecedented. He commented that any decision made by the Commission would be unenforceable.

Mr. Keuth remarked that at the last meeting there was a discussion about an impending appraisal of the site to help clarify whether there was a possibility to move forward with any of the three applications. He asked Mr. Braselton about the status of that appraisal. Mr. Braselton replied the appraiser informed him this morning that the appraisal report would be delivered to him sometime today. In response to Mr. Keuth, Mr. Braselton stated he has not seen the appraisal, and is not aware of whether there would be any movement with any of the potential developers on the site.

Mr. Braselton explained that the property owner, Mr. Russell, is deceased and two trustees are responsible for handling the property in his estate. He commented that in order for the trustees to act responsibly in their fiduciary capacity, they needed to get an appraisal of the property before they could make any decisions. He stated, with regard to the RFPs, the proposals have been received and none have been rejected. He commented that the next step is to obtain the appraisal indicating the property value before moving forward with any negotiations or actions on the property.

In response to Mr. Clements, Mr. Knapp explained that the City cannot issue any permit in this overlay zoning area without first seeking permission of the Governmental Mall Commission. Mr. Clements said his recollection was that the City was prepared to issue the demolition permit. Mr. Knapp said that is also his recollection. Mr. Clements said his understanding is that the Commission basically roadblocked that situation based upon the statutes. Mr. Knapp replied he would explain the events that transpired. He noted the reason Grace Court School is an issue before the Governmental Mall Commission is because of the overlay zoning. It has nothing to do with the City ordinance, but rather because of the Capitol District Development Guidelines which were adopted by the Legislative Governmental Mall Commission. He said those are the Planning Guidelines, and he had copies available for review. He noted certain highlighted pages within the Guidelines, which had been discussed previously that would oppose any demolition of Grace Court School. For example, page 3, the establishment criteria for review and approval of development processes, item number six of planning and development, which is historical character and structures in the Woodland Historic District should be preserved and enhanced through rehabilitation and adaptive use. He indicated that Exhibit Map 3 in the Guidelines clearly shows the Grace Court School, and is also addressed specifically on the land use plan on Map 4.

Mr. Knapp stated that when the City called and asked if this Commission had an issue with the proposed demolition permit, he researched the Commission's Planning Documents and identified six items where the Grace Court School was specifically addressed to be brought before the Commission. He stated that is why the issue is before the Commission. He stated that while he respects Mr. Braselton's opinion, as he would of all council, the Commission's council is the Legislative Council who issued an opinion on March 27, 2000 to the members. He stated it is the opinion of Legislative Council that the Commission clearly has the authority and responsibility to make a decision. He noted that it is the Chairman's opinion that it is clearly the Commission's responsibility to act on this issue today.

Mr. Clements stated that typically, these types of properties are governed by economic issues. He noted his surprise that someone would try to demolish the School in the face of an offer to buy it that requires that the property be improved. He asked Mr. Braselton if the owners had any evidence which shows that the property would be worth more if it were unimproved than if it were improved with the Grace Court School. Mr. Braselton replied that he was not aware whether the family had appraisals done prior to the time of his involvement, which was earlier this year. He noted that there have been verbal indications to the family that the property may be more valuable unimproved, but he is unaware of anything in writing.

Mr. Clements stated he was surprised to hear of Mr. Braselton's answer that the family would ask to demolish a building prior to learning from the public or pool of buyers what they would be willing to pay for it whether it was improved or unimproved. He asked Mr. Braselton to comment as to why discussion is taking place about a demolition permit until there is evidence that indicates the property is more valuable unimproved than improved.

Mr. Braselton responded there was a demolition permit issued by the City of Phoenix in 1996 or 1997 time frame. He explained that a number of buildings on the site were demolished at that time and Mr. Russell, the owner, decided not to pursue demolition of the main school building. In response to the question of why the demolition permit process is being pursued to obtain approval, he said it is not to bring a bulldozer there tomorrow. He explained because of the way the City Ordinance is structured, there is a one-year waiting period involved before demolition can commence after an application is filed with the City. He stated the purpose here before the Commission is to try to move the process along on a parallel tract whereby the owners obtain the right to demolish in the event it is determined it is the highest and best use of the property. He added that the goal of the trustees of the Russell estate is to maximize the value of the property for the beneficiaries of that estate, which is their duty as fiduciaries. He commented that it is not their intention to demolish the building if someone will pay more for the property with the building in place. However, the trustees intend to exercise all options in terms of investigating what would be the highest and best use, and how they can realize the highest value for the property.

Mr. Clements asked for clarification on the one year waiting period. Mr. Braselton replied they would have to wait one year to receive the permit to move forward from the date the request was made. He stated that that particular date precedes his involvement with the property, but opined it was in 1996 or 1997. He reiterated that there was a permit issued for this site and they are here to get that permit renewed.

In response to Mr. Knapp, Mr. Braselton remarked that he has a copy of the permit in his file issued by the City of Phoenix that Mr. Knapp's prior recitation of the history of the property is not accurate with the events. He indicated the permit was granted and a number of buildings have already been demolished on the site.

Mr. Keuth noted that if the Commission gave its approval, then Mr. Braselton could obtain the demolition permit tomorrow, as the one-year waiting period has passed as required by the revised Historic Preservation statutes.

Mr. Braselton replied he has waited the one-year period. He said if the Commission approved or disapproved, it would not matter because he does not think it would have any bearing on whether he is entitled to the permit. However, he said if the Commission approved the permit, and the City agreed, then the Commission's one-year waiting period is over.

Mr. Clements stated that he was a member of the Commission when this issue was first heard. He said his recollection is that the first demolition permit was issued for the outbuildings, including a garage, an administration building, and a smaller building, but did not include the school. He noted that shortly thereafter, Mr. Killian and he met with David Russell in an attempt to develop a plan to satisfy Mr. Russell and keep the building in place into a productive situation. He commented that although Mr. Russell was very gracious about the situation, they were unable to meet his expectations to reach any agreements.

Mr. Clements stated that there needs to be a balance between the rights of people to do what they want with their real estate and the needs of the public. He said if the public cannot produce a logical buyer or undertake to maintain this building for the estate, then it is difficult to argue that the owners should hold for an indefinite period of time. He stated he is torn both ways on this issue. He remarked that as a child, he sang on the steps of the Grace Court School with the Phoenix Boys Choir. Now that he is a real estate broker/developer he stated he understands the burden placed on the owners in holding a piece of property, similar to Grace Court, while trying to maintain it. He opined if the public cannot produce a logical buyer or undertake the maintenance of a building for the estate, then it would be difficult for the Commission to argue that the property should be held for an indefinite period of time. He proposed a compromise that the Commission should deny the demolition permit, or grant it with the stipulation that they have to wait an "X" period of time.

Mr. Knapp stated it will be the Chair's position to hear a motion to either approve or deny the demolition permit. He stated that the opportunity for compromise has been

explored since March, and he opined that there has been sufficient deliberation time for this issue. He remarked that the Commission has received legal advice with regard to the Commission's authority and responsibility to act regarding the permit, therefore, he said he would entertain a motion to either to approve or deny the permit.

Mr. Keuth noted that the owner applied to the City of Phoenix over a year ago for a demolition permit, and he waited that one-year period. Subsequently the issue was brought before the Commission. He opined that the owner has, in essence, met the requirement of the revised Historic Preservation Statute. Therefore, he believes the Commission cannot impose any restrictions. Mr. Knapp agreed.

Mr. Richert stated he wanted to re-emphasize the authority issue, because if this matter goes to a court, the issue that was brought up of the State not having the ability to override the City, he said the City gains its powers from the State. He noted that as a Board representing State legislation that was intended to create a higher authority in the Governmental Mall because of the problems, some authority was given to the City. Development and the theory that was given through the review of the statutes went back to the basis of how the word "development" came about. He commented that development begins with getting the land ready. He concluded he wanted his remarks on the record so that the judge has something to look to as to what Mr. Braselton discussed today. He said although he appreciates Mr. Braselton's opinion, it is the State that has the ultimate authority.

Mr. Hintz commented as with Mr. Clements, he also is torn with this issue. He noted that this is a classic conflict between private property rights and what is good for the public. He remarked that the Commission took no action last time, because the members were led to believe that there were prospects for development of the property that would not involve demolition. He stated that at least one of those prospects is still viable today.

Mr. Hintz moved that the Commission recommend denial for the demolition permit. The motion was seconded by Mr. Richert. The motion CARRIED by voice vote with one abstention.

Conceptual Approval for the New State Department of Environmental Quality and Department of Administration Buildings

Mr. Knapp remarked that those buildings were part of the master plan that Mr. Hibbs and his staff have shared with the Commission on a number of occasions. He said he believed one of the Commission members was on a selection committee. He noted the Commission has been a very active participant in the process toward hopefully the development of these buildings.

Tim Brand, Arizona Department of Administration (DOA), distributed a handout entitled "Background" (Attachment A). He stated that approximately 18 months ago

DOA presented a ten-year Capitol Mall Master Plan to the Commission, which was very enthusiastically endorsed. He noted that six months ago DOA presented to the Commission the first phase of implementation, which was development of the 17th Avenue pedestrian enhancements, which is currently under construction. He thanked the Arizona Department of Transportation (ADOT) for partnering with DOA on that project. He commented that last month DOA briefed the Commission on the details of Privatized Lease to Own (PLTO), and stems from DOA's efforts in the Legislature and Governor's Office for approval to obtain creative financing to bring new office buildings to the Capitol complex.

Mr. Brand stated that DOA will request two actions. A presentation will be given on the conceptual design for two buildings. One is a DOA consolidation building, approximately 185,000 square feet. The second building is the Arizona Department of Environmental Quality (ADEQ) building, comprising of approximately 300,000 square feet. Specifically a request by DOA will be made to the Commission to approve amending one of the Capitol District Planning Guidelines. Secondly, DOA will request conceptual approval of the design presented in the hopes that DOA will then be able to work with the City of Phoenix in coordinating the project.

Mr. Brand remarked that a representative was present from Opus West, the architects selected as development corporation for the project.

Robert Cartley (spelling?), Opus West Corporation, stated he represents the development team on the projects. He proceeded with his presentation and distributed handouts entitled "Arizona Department of Administration" and "Arizona Department of Environmental Quality" (Attachments B and C). His presentation and testimony were taken directly from the handouts.

Mr. Knapp suggested reviewing the Building Design Guidelines on page 10 forward. He said the presenters today asked for basically two "variances." He said page 13 contains an amendment procedure, which states how a document may be amended. He commented there are two choices: an amendment may be made, or it can be viewed on an individual basis and agreement reached that the change being requested is either acceptable or not acceptable. He said if the Commission chooses to amend, it then goes back to the City and the County. He added the Commission cannot amend on its own because the document was adopted by both the City and County Planning Departments. Mr. Knapp provided a copy of the Guidelines for review by the Commission.

Senator Smith commented that there appears to be an increase in the use of glass in construction. He asked if the glass design would conform aesthetically with the surrounding buildings, and asked if it is less costly to use glass. Mr. Cartley replied that architects attempt to provide a different façade on the buildings so they are not repetitive or monotonous. He stated that might be one reason why there are more buildings using glass.

Alan Tarbe, Director of Construction for Opus, stated that with respect to the cost of using glass, there is not a lot of difference between glass and precast material. He stated that the large use of glass is primarily for the benefit of the occupants so that all workers will have visual access to day lighting, as required in the RFP.

Mr. Keuth said one of the items not in the Guidelines, but important to address, is traffic impact. He noted two large parking garages are being built, and there is an historic single-family residential neighborhood nearby. He suggested a direction of flow of traffic to minimize cut-through traffic relating not only to this project, but other projects in the future in this area. He said it may be appropriate to review overall traffic master plan so as the buildings are completed, it will not be intrusive into the neighborhoods.

Mr. Tarbe replied meetings have taken place with City Development Services to approach the traffic concept. He noted the Capitol Mall Association also expressed an interest that a lot of traffic not be put into the neighborhood. He said that request has been incorporated into the design. The Association also requested that the visual corridor of 11th Avenue open, which has also been accommodated into the design.

Mr. Richert commented he met with OPUS, along with the State representatives. He said anytime there is new construction, an attempt is made to bring zoning in the area into compliance with the City's desires. He said the City is willing to ask the Planning Commission to initiate zoning on its behalf in a timely fashion. He added he will be requesting that to happen on September 27. He noted there are a few remaining issues regarding setbacks that need to be resolved. The other item is the two-story element in front of the one structure, which was there for the historic preservation of the house.

Mr. Richert referred to amending the procedure, and believes that the rules need to be followed. He also has a concern regarding glass, but the sensitivity is how much depth from the outer portions of the building to where it "breaks up" the structure. He explained his concerns. He said although the projects appear conceptually ready, he feels certain details need to be resolved.

Ms. Rosenbaum commented on the parking garages and security. She said there have been concerns whether it will be a harbor for transients.

Mr. Brand replied the first deck of each parking garage will be accessible for public parking. Anyone that needs to do business with the State has the most readily available parking. He noted they tried to minimize the building impact of the ADEQ project and took some of that space and moved it over into the parking garage to be incorporated on the first deck.

TAPE 1, SIDE B

Mr. Brand said the upper deck will be restricted, and security will be provided for both parking garages.

Mr. Knapp, referred to amendments and variances, and indicated that one of the issues that the Building Design Guidelines addressed is the incorporation of retail into the parking garages on the public side. He reminded the Commission of a previous meeting when the County presented its new building, which was an area of discussion and concern for members. He said he agreed with Mr. Richert that it is a good preliminary effort, but there will be further discussions on various issues in the future. He referred to the ADEQ building, where the office, retail, and the five-and-a-half-story parking deck faces inward. He commented this is responsive to the primary tenants and very commendable. He noted that when the Guidelines for the Commission were written, there was not as much concern with facing inward, but was more concerned with attempting to create a pedestrian atmosphere within the Governmental Mall jurisdiction. He urged the Commission to look hard at the retail, and opined that its current placement is not in concert with the intent of the guidelines. In addition, he said there are minor details such as the sidewalks along the DOA building, and the Commission suggested that those be set back eight feet from the street in order to recreate landscape areas and pedestrian pathways. He remarked that there are some details that appear to be at odds with the planning guidelines, and noted that they will have to be addressed at the proper time in the future.

Mr. Knapp referred to Mr. Brand's letter regarding an amendment to the Guidelines to allow six-story construction on the south half of the block bounded by 11th Avenue on the east, 12th Avenue on the west, Washington Street on the south and Adams Street on the north. Mr. Knapp noted that being on the Committee that helped draft the Guidelines and on the Commission that adopted them, he agreed that the concern was the protection of the Evans House and the visual avenues to that structure. He stated in that particular case, an amendment makes sense. He recommended that a motion on this issue be addressed first and commented that the motion should address that the Commission is not the final authority or the single authority on this issue, but that it must go to the City of Phoenix Planning Department and the Maricopa County Office of Planning and Infrastructure Development. He stated there are "hoops" to jump through and commented that Mr. Brand needs the Commission's approval in concept first before the issue moves on to the City of Phoenix. In other words, the Commission is the first step, not the only step in the process.

Mr. Keuth moved that the Commission approve the revisions to the Guidelines as it relates to the height restrictions in the area from 11th Avenue on the east, 12 Avenue on the west, Washington Street on the south, and Adams Street on the north to be revised from a two-story limit to a six-story limit, and to forward that recommendation to the appropriate City and County bodies for their concurrence. The motion was seconded by Mr. Clements.

Mr. Richert commented that in general conformance to the site plan or the activity that has been presented here today, that there is a reference to that effect by the Commission. Mr. Keuth agreed, and replied his amendment is amended to that effect.

Joy Rich complimented the applicant on the way they have responded to the Adams House, and opined the reconstruction work is very nice in the way that it embraces the House.

Mr. Bramley Paulin, Chairman, Capitol Mall Association, testified in support of the ADOA building plans and stated the Capitol Mall Association has seen these plans as was presented by ADOA and Opus. He commented the Association supports the general concept of the plan, however they have a couple of concerns. Mr. Paulin stated several of their concerns had been addressed in the hearing today, but they are concerned with traffic as it could relate to the neighborhood to the north in the Woodland District. He stated he is concerned with the traffic during the construction process and the long-term permanent traffic situation entering and exiting the garage. He stated there are two properties that are side-by-side, the State parking lots on the north side of Adams between 15th and 10th Avenues. He said while these lots are currently underutilized, he understands where the DOA building is planned, those lots will be used especially during the construction period. He added that because of the Woodland neighborhood immediately adjacent to the north, there is concern for traffic in that area. He stated the Association would like to encourage the Commission through this process, to continue to follow its Guidelines regarding services that could be used for the tenants and the neighborhood on the first floor of the development.

Mr. Knapp noted that he had aerial views of the parking lots to which Mr. Paulin referred, and opined that he does not believe there is anything in the Development Guidelines that speaks to the developing sequencing in the issues raised by Mr. Paulin. He opined that the City has requirements that speak to those issues.

The motion CARRIED by voice vote.

Mr. Knapp stated the second issue is the approval of the conceptual design for the ADOA and ADEQ projects as presented, so the permitting through the City of Phoenix may proceed. He commented that however the motion is worded it should be clear that this issue is a beginning step of the process, and the Commission will be an active participant in the planning process.

Mr. Hintz moved that the Commission support the schematic design presented today with the expectation that Commission will see the design development drawings at some future date. The motion was seconded by Mr. Keuth. The motion CARRIED by voice vote.

Future Meeting Dates

Mr. Knapp commented that the Commission has had an approach that if there is nothing to put on an agenda, the Commission does not meet. He opined that the Commission is doing a disservice to the public. He explained that for the Commission to go from March through the end of September with only one meeting, on an issue as volatile as the Grace Court School, is a disservice to the property owner and to the

public. He proposed that the Commission have regularly scheduled meetings through the end of the year.

There being no objection from the members, he asked staff to prepare agendas, and obtain room reservations for future meetings. Mr. Knapp announced the next meeting will be held Tuesday, October 17.

Without objection, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Nancy L. DeMichele
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 113.)

ARIZONA STATE LEGISLATURE
Forty-fourth Legislature - Second Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting
Tuesday, October 17, 2000
House Hearing Room 4 - 3:30 p.m.

(Tape 1, Side A)

The meeting was called to order at 3:35 p.m. by Chairman Knapp and attendance was noted by the secretary.

Members Present

Leroy Brady
Norman Hintz
William McMullen
Senator Smith

Joy Rich
David Richert
Bob Teel for Elliott Hibbs
Tom Knapp, Chairman

Members Absent

John Clements
Donald P. Keuth, Jr.

Polly Rosenbaum (excused)
Representative Voss

Speakers Present

Tom Johnston, Johnston Engineering
Thom Wilson, T.R.K. Architecture & Facilities Management

Proposed Amendment to Capitol District Development Guidelines

Chairman Knapp related that he sent a letter to Mr. Richert, Ms. Rich, and Mr. Teel telling of the Committee's approval of a proposed amendment to the *Capitol District Development Guidelines* and asking for concurrence by this meeting, if possible (Attachment 1). He received a response from Maricopa County concurring with the recommendation and a similar letter from Mr. Teel concurring with the recommendations on behalf of the State.

Mr. Richert stated that steps have been taken to concur with the change, but approval is needed from a City of Phoenix Councilman who is presently out of town. He added that the zoning process is well underway. He acknowledged that the change will not impede the State's progress in terms of working with the City on development of buildings.

Chairman Knapp stated that this item will be addressed in the next meeting.

Approval of Industrial Commission Generator Enclosure

Chairman Knapp disclosed that he is associated with the architectural firm doing the design work on this project and one of his associates will make the presentation; therefore, he plans to abstain from voting.

Tom Johnston, Johnston Engineering, related that Johnston Engineering has been commissioned to

prepare the construction drawings for a major renovation of the Industrial Commission building at 800 W. Washington. It is predominantly a mechanical plumbing project for upgrading and replacing equipment in the building. Also, an existing emergency generator is being replaced, which involves construction of a building and requires the Commission's review and approval. He introduced Thom Wilson, the architect commissioned to do the architectural work on the entire renovation, but specifically, the generator building, and Bill Sparman and Larry Lybarger, representatives of the Industrial Commission.

Thom Wilson, T.R.K. Architecture & Facilities Management, displayed a picture of the facility located on the northwest corner of the lot at Adams and 8th Avenue. There is a parking structure on 9th Avenue and a parking area on the north side. The plan involves inserting a building that would eliminate four parking places, which is still in compliance with City of Phoenix parking number requirements. Presently, there is a block fence along Adams and 8th Avenue. The building setback line is along 8th Avenue and the building will be approximately 17 feet high in order to house the equipment. He provided photographs from the north side, the corner, and the east side, with the proposed building graphically inserted. He related that the structure would be constructed out of concrete masonry, stuccoed and painted to match the color of the existing facility. It would be 35 feet long and 19 feet wide. The height would be approximately the same as the low element on the building shown in the photographs.

Ms. Rich assumed the Chair.

Mr. Wilson advised that a 10-inch exhaust pipe would extend straight up a bit north of center. The only opening is an air intake on the north side and a pedestrian door on the west side. He related that the existing structures are precast concrete, but due to economic restrictions, it cannot be used for the building. When the generator is operating, noise is a consideration and concern; therefore, a study is currently underway regarding noise generated by the equipment.

Mr. Brady noted that the proposed building has louvers on the north side, yet the Industrial Commission building has some strong horizontal lines. He asked if there is a way to change the plain appearance. Mr. Wilson responded that texturing could be done to create some horizontal lines.

Mr. Hintz moved, seconded by Mr. Richert, to approve the plans for the Industrial Commission generator enclosure. The motion carried.

Mr. Knapp resumed the Chair.

Discuss Future Meeting Dates

Chairman Knapp stated that meetings will be held on November 21 and December 19, 2000.

Mr. Hintz pointed out that December 19, 2000 is only a few days before a major holiday, so it might be difficult to have a quorum. Mr. Knapp suggested moving the meeting forward to December 12, 2000. He noted that the action for the Industrial Commission came up at the last minute, and if a meeting had not been scheduled, the agency would have had difficulty moving forward. He believes it is important to hold regularly scheduled meetings.

Mr. Hintz said he read in the Capitol Times yesterday that the group looking for additional land acquisition will have a report ready to submit to the Commission by December 1, 2000. Mr. Teel acknowledged that a report is due to the Legislature by December 1, 2000, which should be available for the Commission's December meeting. The Committee is attempting to prepare a preliminary report by November 15, so the November meeting is probably close enough.

Mr. Teel explained that a Legislative Committee is looking at potential expansion of the Capitol Mall area beyond the current 10-year plan. The Arizona Department of Administration (DOA) was asked

to provide information on land to the west and DOA suggested that land to the south may be an appropriate area. By November 15, 2000, the Committee is supposed to have information to present to the Committee, which should include plans by Maricopa County and the City of Phoenix, housing, etc. He added that a meeting will be held tomorrow with some of the Committee Members to determine how the information can be collected for the full Committee by November 15, 2000.

Mr. Hintz indicated that there are at least three new Members of the Commission and asked if the current Capitol Mall Master Plan could be combined with the presentation for the land acquisition or some of the Members could meet with the new Members about the Master Plan. He added that he has some knowledge of the County's plans and would be glad to attend the meeting tomorrow.

Chairman Knapp passed around an aerial photograph showing plans within the limits of the Governmental Mall District, noting that he understands the statutory boundaries may be changed. Mr. Teel acknowledged that changing the boundaries is under consideration. If plans are made beyond 10 years, the Committee is attempting to decide which areas would be appropriate and whether steps should be taken to change the boundaries to include those areas.

Chairman Knapp indicated that there are no other items to discuss and suggested that after the meeting, the Members could discuss informally how individuals, or the Commission as a whole, may participate in the planning process.

Mr. Hintz moved, seconded by Ms. Rich, to adjourn the meeting. The motion carried.

The meeting adjourned at 3:55 p.m.

Linda Taylor, Committee Secretary

(Original minutes, attachment, and tape are on file in the Office of the Chief Clerk. A copy of the minutes and attachment are on file with the Senate Secretary.)

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LEGISLATIVE GOVERNMENTAL
3
MALL COMMISSION
October 17, 2000

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ARIZONA STATE LEGISLATURE
Forty-fourth Legislature - Second Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting
Tuesday, November 21, 2000
House Hearing Room 1 - 3:30 p.m.

(Tape 1, Side A)

The meeting was called to order at 3:40 p.m. by Chairman Knapp and attendance was noted by the secretary.

Members Present

Elliott Hibbs
Norman Hintz
Senator Smith

William McMullen
Tom Knapp, Chairman

Members Absent

Leroy Brady
John Clements
Donald P. Keuth, Jr.
Joy Rich

David Richert
Polly Rosenbaum
Ms. Voss

Speakers Present

Tim Brand, General Manager, Building and Planning Services Section, Arizona Department of Administration (DOA)
Roger Berna, Planning Manager, Building and Planning Services Section, Arizona Department of Administration (DOA)
Lucky Chesley, Majority Research Analyst
Tony Valenzuela, National Executive Committeeman, American Legion, Tempe
Pete Zepeda, representing himself
Ruben Valenzuela, representing himself

Member Orientation

Chairman Knapp passed out notebooks containing information about the Members, a copy of the bill establishing the Commission, agendas, procedures for establishing a monument on Wesley Bolin Plaza, Capitol District Development Guidelines, a one-page suggested presentation format, projects in the Capitol Mall area, and studies. He noted that he tried to allow for flexibility in case the Members want to add information and offered to distribute items anyone would like to add.

Overview - Governmental Mall Planned Improvements

Tim Brand, General Manager, Building and Planning Services Section, Arizona Department of Administration (DOA), noted that the 10-year master plan for the State portion of the Capitol Mall is shown in Section 5 of the handout. He related that DOA is partnering with the Arizona Department of Transportation (DOT) on the 17th Avenue project, which is still underway and, hopefully, should be done soon. Two other projects currently underway are the ADOA building, which is privatized-lease-to-own, and the Department of Environmental Quality (DEQ) building. DOA is almost

prepared to sign a lease for those buildings and groundbreaking is expected to take place in early February 2001. He noted that the intent is to create a campus atmosphere and bring agencies scattered throughout Phoenix back to the Capitol Mall. The plan calls for 11 different buildings, which should create about 1.5 million square feet of additional office space. About 75 percent would house agencies presently in leased space. He added that the motor pool and alternate fuel station are completed and in place.

Roger Berna, Planning Manager, Building and Planning Services Section, Arizona Department of Administration (DOA), advised Mr. Hintz that the 17th Avenue project is about four weeks behind schedule due to some unknown utilities, concrete under the pavement, trolley tracks, etc. The latest delay relates to electrical switch gears. He said he hopes Arizona Public Service Company will be able to hook up streetlights on one side of the street. The project should be ready by the middle of December 2000 or before Christmas.

Mr. Brand explained that DOA was assigned by a legislative committee to review expansion of the State Capitol Mall area and some land studies were conducted. Mr. Berna served as researcher from the DOA standpoint and will make a brief presentation on the findings. He noted that the legislative report has not been done, but the presentation will be more or less DOA's recommendation to the Legislature.

Mr. Berna remarked that Senator Smith chaired the Governmental Mall Land Study Committee, so he is aware of what was accomplished. He related that DOA was tasked with studying the feasibility of expanding the Capitol Mall westward beyond 19th Avenue to Interstate 17. There are basically two options, one that fits within the current Capitol Mall Development Guidelines (Option B), and the intended study area (Option A) (Attachment 1). In studying the areas, DOA basically considered zoning, long-range plans of the City of Phoenix, and cost issues.

He related that the area west of 19th Avenue is predominantly residential (Option A, Attachment 1). Based on a review of every parcel, an estimated value is between \$10 million and \$12 million, which assumes that people would not have to be relocated. Approximately another million square feet would be needed if the current trend continues. DOA would recommend four-story buildings for lower density since the area is predominantly residential, so approximately 28 acres would be needed to attain the million square feet. He informed the Members that commercial properties are located along Van Buren and industrial properties are located south along Jackson Street and Harrison Street, but purchase of the industrial properties is not recommended because of environmental cleanup costs, etc.

Mr. Berna noted that Option B is an alternative. The area contains commercial and industrial property and is intended for governmental use in the City of Phoenix long-range plan. It fits within the Capitol Mall District Development Guidelines. Eight-story and six-story construction for higher density is allowed, there is less land to purchase, and approximately 18.8 acres would be needed to provide the same million square feet. The cost, again assuming that businesses would not be relocated, both buildings are vacant and only the property is purchased, would be about \$2 million to \$3 million. An advantage of this option is that additional land could be purchased further south (about 12 acres) for needs beyond 20 years. Looking beyond 20 years, the current plan for the Capitol Mall is to develop the area as intensely as possible and consider replacing some buildings that in 30 years will be 60 to 70 years old. He concluded by stating that this same presentation was made to the Governmental Mall Land Study Committee. A quorum was not present so a recommendation could not be made. He believes a vote will be taken at the next meeting.

Senator Smith recalled that the Committee did have a quorum and recommended Option B.

Mr. Hintz pledged Maricopa County's willingness to work with the State where the two projects connect, noting that 7th Avenue is a magical line between the downtown County/City campus. He said one block might be in conflict, which is immediately south of the Forensic Science Center,

where a very active business is operating. The owner is not willing to sell the property at the present time, but there may be a need to "arm-wrestle" as to which governmental entity will acquire the property if it is made available for sale.

Senator Smith commented that the Governmental Mall Land Study Committee made an amendment to the motion that the city, county, State, and other agencies cooperate in moving homeless shelters from the area. He added that the Phoenix Community Alliance (PCA) has been working on that for quite some time.

Chairman Knapp commended DOA for looking toward concentricity rather than spreading out and asked if there is a plan of action in terms of planned expenditures. Senator Smith indicated that approval of the concept is needed from the Commission, then it is up to DOA to fight with the Legislature as far as financing and an action plan.

Chairman Knapp related that another project near and dear to many of the Members' hearts is building renewal and speculated that approval of the plan might depend upon whether or not the two will be competing for funds.

Senator Smith advised that he is also a Member of the Joint Legislative Study Committee on the Building Renewal Formula and Process. He submitted that the building renewal formula will have priority over this plan and he does not believe there will be a conflict. He added that it would be appropriate to support the recommendation of Option B for the Capitol Mall area.

Chairman Knapp pointed out that a quorum is not present, so no action can be taken. He opined that there is a strong correlation between the proposed plan, building renewal, and funding of other items. He personally has a problem supporting a plan that purports to purchase property when current buildings are not maintained.

Senator Smith explained that there is no advocacy group for the building renewal formula, which has been funded at 22 percent to 42 percent, so Legislators do not recognize that it is one place where money can be saved. If adequate funding were provided to maintain buildings, money would not be spent on emergency-type situations. For example, it only costs \$2,000 for maintenance of an air handler that costs \$15,000 to replace if it is not properly maintained. A few thousand dollars could be spent for roof repairs rather than installing a new roof. He added that a motion for approval of the plan could be made with the understanding that monies expended for the building renewal formula should take precedence over expansion of the Capitol Mall area.

Mr. Hibbs conveyed the fact that the purpose of the Committee was to look at alternatives, not to say the State should move ahead and begin to purchase the property under Option B. He suggested a motion supporting the concept of Option B. He explained that the plan came about because a few Legislators wanted DOA to expand the Capitol Mall area from 19th Avenue west to Interstate 17. As part of that, DOA looked at expansion within the Capitol Mall area for long-term development.

Senator Smith agreed that the plan is conceptual only. He added that 19th Avenue is a tremendous barrier and the City wants to use some of the property for housing. DOA attempted to find the most logical solution in case expansion occurs in the Capitol Mall area. Option B lends itself more to development of buildings, and while there are not any detailed plans, if and when some of the property can be financed and people moved out of the rental buildings, it would be advantageous, along with centralization of the agencies within the Capitol Mall area.

Chairman Knapp reiterated the fact that the issue can only be discussed and no action can be taken since a quorum is not present.

Proposed Amendment to Capitol District Development Guidelines

Chairman Knapp indicated that he received letters from the city, State and county agreeing to the

amendment and noted that it is not holding up development of the State office buildings. Approval is strictly a housekeeping measure, and since a quorum is not present, the item will be tabled until the next meeting.

Father Braun Memorial

Lucky Chesley, Majority Research Analyst, stated that the Committee does not need to take action on this item because the Memorial was already approved. In 1993, the Legislature passed a law saying that any memorial not completed in two years is dead. The Father Braun Memorial was grandfathered in.

Chairman Knapp submitted that it is the Commission's responsibility to approve the design of memorials.

Mr. Berna acknowledged that this project has been around since 1991 waiting to be funded and building up support. DOA received actual concrete plans recently, which were reviewed by the engineer and grounds people (Attachment 2, Original copy is filed in the Office of the Chief Clerk). A letter from Bob Teel, Assistant Director, states that the proposed design is consistent with what was proposed and thought about for the last nine years (Attachment 3).

Senator Smith pointed out that minutes from October 30, 1990 are included in a packet distributed to the Members and a motion was made to approve the concept of the memorial (Attachment 4).

Chairman Knapp contended that it is still the Commission's responsibility to approve the memorial and design according to procedures for establishing a memorial in Wesley Bolin Plaza.

Mr. Berna noted that DOA and the Members received a letter from the Arizona Historical Advisory Commission approving the text material for the Memorial (Attachment 5). Mr. Hibbs agreed that the Commission has the responsibility of reviewing and approving the final concept. Chairman Knapp stated that the Commission will hear the proposal, which will be placed on next month's agenda since a quorum is not present.

Tony Valenzuela, National Executive Committeeman, American Legion, Tempe, provided a picture of the statue, noting that it is practically built (Attachment 6) and introduced his son, Ruben Valenzuela, who is the architect. He conveyed the intent of the Memorial and accomplishments of Father Braun (Attachment 7).

(Tape 1, Side B)

He said he wanted to write a book for the plaque, but the Historical Society said it would be too lengthy, so he reduced the text to 125 words. He sent brochures all over the State and out of the State requesting donations. Many small donations were received, as well as a few large donations, so it took a long time to accumulate funds. His son designed the base and the Memorial will be located next to the Korean Memorial. He said he would appreciate approval of the fact that the verbiage was reduced, which is about the only change since the Memorial was approved in 1990.

Senator Smith congratulated Mr. Valenzuela for working on the project for nine years and raising the money to honor someone who truly put his life on the line. He added that today's youth should be educated about heroes like Father Braun.

Pete Zepeda, representing himself, noted that three stones will be on the Memorial. One from Mescalero, New Mexico where Father Braun was a missionary, one from the Philippine Islands where he was a prisoner of war, and another from Yarnell, Arizona where he spent his later years. He added that he is looking forward to seeing the Memorial completed and thanked the Commission for its help and support.

Ruben Valenzuela, representing himself, asked if the Commission would review the design prior to the next meeting, which he can attend and answer any questions.

Tony Valenzuela asked how much longer it will be before the base can be put in place. He noted that the statue is ready to go to the foundry.

Chairman Knapp indicated that the next meeting will be held on December 21, 2000. After some discussion, the Members agreed to meet on December 5, 2000 at 3:00 p.m. in the basement of the House in order to utilize teleconferencing equipment. The meeting would be noticed to the public. Mr. Chesley indicated that he will provide handouts to the Members not present.

Chairman Knapp apologized because a quorum is not present. He requested that the housekeeping item be added to the next agenda and noted that another meeting will be held in January 2001 on a date to be chosen.

Without objection, the meeting adjourned at 4:50 p.m.

Linda Taylor, Committee Secretary

(Original minutes, attachments, and tape are on file in the Office of the Chief Clerk. A copy of the minutes and attachments are filed with the Senate Secretary.)

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LEGISLATIVE GOVERNMENTAL

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MALL COMMISSION

November 21, 2000

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ARIZONA STATE LEGISLATURE
Forty-fourth Legislature – Second Regular Session

DEC 21 2000

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting
Tuesday, December 5, 2000
House Conference Room 038 -- 3:30 p.m.

SEC. OFC.

(Tape 1, Side A)

Senator Tom Smith called the meeting to order at 4:26 p.m. and the secretary noted the attendance.

Members Present

Tom Knapp, Chair
Senator Tom Smith
Leroy Brady
Robert Teel

John Clements
Joy Rich
David Richert

Members Absent

Representative Roberta Voss
Donald P. Keuth, Jr.

Elliott Hibbs
Norman Hintz
Polly Rosenbaum

Speakers

Larry Chesley, Majority Research Analyst

Proposed Amendment to Capitol District Development Guidelines

Larry Chesley, Majority Research Analyst, stated that three letters were required, one from the city, one from the county and one from the Department of Administration (DOA) and all letters had been received. He explained that this change is not a permanent change and pertains to this project only and that DOA is waiting for approval to continue.

Motion was made to approve the Proposed Amendment to Capitol District Development Guidelines. Motion was seconded. The motion passed by a majority vote.

Father Braun Memorial

Senator Tom Smith offered that the specifics regarding the memorial were discussed at the last meeting. He briefly discussed the handout (Attachment 1) and asked for approval of the Father Braun Memorial

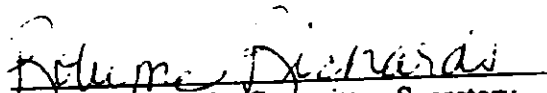
Motion was made for approval of the Father Braun Memorial. Motion was seconded. The motion passed by a majority vote.

Senator Smith offered that the memorial should be completed on or around March 6, 2001.

Schedule Next Meeting Date

Larry Chesley informed the members that this would be the last meeting of the year.

Without objection, the meeting adjourned at 3:31 p.m.


Robyne Richards, Committee Secretary

(Original minutes, attachments and tape are on file in the Chief Clerk's Office)